

1 **PUBLIC EDUCATION RECODIFICATION - STATE SYSTEM**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4

5 **LONG TITLE**

6 **General Description:**

7 This bill reorganizes and renumbers certain provisions of the public education code
8 related to statewide administration of the public education system.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ reorganizes and renumbers certain provisions of the public education code related to
- 12 statewide administration of the public education system;
- 13 ▶ defines terms;
- 14 ▶ enacts provisions related to public education for organizational purposes;
- 15 ▶ reenacts provisions related to public education for organizational purposes;
- 16 ▶ repeals provisions related to public education for organizational purposes; and
- 17 ▶ makes technical and conforming changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 This bill provides a special effective date.

22 This bill provides revisor instructions.

23 **Utah Code Sections Affected:**

24 ENACTS:

25 **53E-1-101**, Utah Code Annotated 1953

26 **53E-1-102**, Utah Code Annotated 1953

27 **53E-1-103**, Utah Code Annotated 1953

28 **53E-1-201**, Utah Code Annotated 1953

29 **53E-2-101**, Utah Code Annotated 1953

30 **53E-3-101**, Utah Code Annotated 1953

31 **53E-3-601**, Utah Code Annotated 1953

32 **53E-3-701**, Utah Code Annotated 1953

33 **53E-4-101**, Utah Code Annotated 1953
34 **53E-4-201**, Utah Code Annotated 1953
35 **53E-4-401**, Utah Code Annotated 1953
36 **53E-5-101**, Utah Code Annotated 1953
37 **53E-6-101**, Utah Code Annotated 1953
38 **53E-7-101**, Utah Code Annotated 1953
39 **53E-7-201**, Utah Code Annotated 1953
40 **53E-8-101**, Utah Code Annotated 1953
41 **53E-9-101**, Utah Code Annotated 1953
42 **53E-9-201**, Utah Code Annotated 1953
43 **53E-10-101**, Utah Code Annotated 1953
44 **53E-10-201**, Utah Code Annotated 1953
45 **53E-10-306**, Utah Code Annotated 1953
46 **53E-10-407**, Utah Code Annotated 1953

47 RENUMBERS AND AMENDS:

48 **53B-17-1001**, (Renumbered from 53A-3-402.10, as last amended by Laws of Utah
49 2014, Chapter 390)
50 **53E-2-201**, (Renumbered from 53A-1-101, as repealed and reenacted by Laws of Utah
51 2015, Chapter 415)
52 **53E-2-202**, (Renumbered from 53A-1-102.5, as enacted by Laws of Utah 2015,
53 Chapter 415)
54 **53E-2-301**, (Renumbered from 53A-1a-103, as last amended by Laws of Utah 2015,
55 Chapter 415)
56 **53E-2-302**, (Renumbered from 53A-1a-104, as last amended by Laws of Utah 2015,
57 Chapter 415)
58 **53E-2-303**, (Renumbered from 53A-1a-105, as last amended by Laws of Utah 2000,
59 Chapter 59)
60 **53E-2-304**, (Renumbered from 53A-1a-106, as last amended by Laws of Utah 2017,
61 Chapters 173, 378, and 444)
62 **53E-3-201**, (Renumbered from 53A-1-201, as last amended by Laws of Utah 2015,
63 Chapter 415)

- 64 **53E-3-202**, (Renumbered from 53A-1-202, as last amended by Laws of Utah 2016,
65 Chapters 61 and 144)
- 66 **53E-3-203**, (Renumbered from 53A-1-203, as last amended by Laws of Utah 2017,
67 Chapter 382)
- 68 **53E-3-204**, (Renumbered from 53A-1-204, as enacted by Laws of Utah 1988, Chapter
69 2)
- 70 **53E-3-301**, (Renumbered from 53A-1-301, as last amended by Laws of Utah 2017,
71 Chapters 372 and 378)
- 72 **53E-3-302**, (Renumbered from 53A-1-302, as last amended by Laws of Utah 2016,
73 Chapter 144)
- 74 **53E-3-303**, (Renumbered from 53A-1-303, as enacted by Laws of Utah 1988, Chapter
75 2)
- 76 **53E-3-401**, (Renumbered from 53A-1-401, as last amended by Laws of Utah 2016,
77 Chapter 232)
- 78 **53E-3-402**, (Renumbered from 53A-1-406, as enacted by Laws of Utah 1988, Chapter
79 2)
- 80 **53E-3-403**, (Renumbered from 53A-4-205, as last amended by Laws of Utah 2011,
81 Chapters 280 and 342)
- 82 **53E-3-501**, (Renumbered from 53A-1-402, as last amended by Laws of Utah 2017,
83 Chapter 382)
- 84 **53E-3-502**, (Renumbered from 53A-1a-107, as last amended by Laws of Utah 2015,
85 Chapter 415)
- 86 **53E-3-503**, (Renumbered from 53A-1-403, as last amended by Laws of Utah 2017,
87 Chapter 330)
- 88 **53E-3-504**, (Renumbered from 53A-1-801, as last amended by Laws of Utah 2002,
89 Chapter 210)
- 90 **53E-3-505**, (Renumbered from 53A-13-110, as last amended by Laws of Utah 2017,
91 Chapter 333)
- 92 **53E-3-506**, (Renumbered from 53A-13-111, as last amended by Laws of Utah 2015,
93 Chapter 415)

- 94 **53E-3-507**, (Renumbered from 53A-15-202, as last amended by Laws of Utah 2017,
95 Chapter 382)
- 96 **53E-3-508**, (Renumbered from 53A-15-107, as enacted by Laws of Utah 2016, Chapter
97 343)
- 98 **53E-3-509**, (Renumbered from 53A-15-603, as last amended by Laws of Utah 2015,
99 Chapter 258)
- 100 **53E-3-510**, (Renumbered from 53A-19-201, as enacted by Laws of Utah 1988, Chapter
101 2)
- 102 **53E-3-511**, (Renumbered from 53A-1-413, as last amended by Laws of Utah 2017,
103 Chapter 378 and further amended by Revisor Instructions, Laws of Utah 2017,
104 Chapter 378)
- 105 **53E-3-512**, (Renumbered from 53A-1-402.5, as last amended by Laws of Utah 2008,
106 Chapter 382)
- 107 **53E-3-513**, (Renumbered from 53A-1a-105.5, as last amended by Laws of Utah 2008,
108 Chapter 3)
- 109 **53E-3-514**, (Renumbered from 53A-16-101.6, as last amended by Laws of Utah 2016,
110 Chapters 144 and 172)
- 111 **53E-3-515 (Effective 01/01/18)**, (Renumbered from 53A-15-206 (Effective 01/01/18),
112 as enacted by Laws of Utah 2017, Chapter 166)
- 113 **53E-3-602**, (Renumbered from 53A-1-404, as enacted by Laws of Utah 1988, Chapter
114 2)
- 115 **53E-3-603**, (Renumbered from 53A-1-405, as enacted by Laws of Utah 1988, Chapter
116 2)
- 117 **53E-3-702**, (Renumbered from 53A-20-110, as enacted by Laws of Utah 2014, Chapter
118 309)
- 119 **53E-3-703**, (Renumbered from 53A-20-101, as last amended by Laws of Utah 2017,
120 Chapter 187)
- 121 **53E-3-704**, (Renumbered from 53A-20-101.5, as enacted by Laws of Utah 2000,
122 Chapter 21)
- 123 **53E-3-705**, (Renumbered from 53A-20-103, as last amended by Laws of Utah 2014,
124 Chapter 64)

125 **53E-3-706**, (Renumbered from 53A-20-104, as last amended by Laws of Utah 2016,
126 Chapter 144)
127 **53E-3-707**, (Renumbered from 53A-20-104.5, as last amended by Laws of Utah 2014,
128 Chapter 309)
129 **53E-3-708**, (Renumbered from 53A-20-105, as enacted by Laws of Utah 1988, Chapter
130 2)
131 **53E-3-709**, (Renumbered from 53A-20-106, as enacted by Laws of Utah 1988, Chapter
132 2)
133 **53E-3-710**, (Renumbered from 53A-20-108, as last amended by Laws of Utah 2016,
134 Chapter 334)
135 **53E-3-711**, (Renumbered from 53A-20-109, as enacted by Laws of Utah 2012, Chapter
136 330)
137 **53E-3-801**, (Renumbered from 53A-1-902, as last amended by Laws of Utah 2015,
138 Chapter 415)
139 **53E-3-802**, (Renumbered from 53A-1-903, as last amended by Laws of Utah 2017,
140 Chapter 473)
141 **53E-3-803**, (Renumbered from 53A-1-905, as last amended by Laws of Utah 2015,
142 Chapter 415)
143 **53E-3-804**, (Renumbered from 53A-1-906, as last amended by Laws of Utah 2015,
144 Chapter 415)
145 **53E-3-805**, (Renumbered from 53A-1-907, as last amended by Laws of Utah 2015,
146 Chapter 415)
147 **53E-3-806**, (Renumbered from 53A-1-908, as last amended by Laws of Utah 2015,
148 Chapter 415)
149 **53E-3-901**, (Renumbered from 53A-1-1000, as enacted by Laws of Utah 2017, Chapter
150 278)
151 **53E-3-902**, (Renumbered from 53A-1-1001, as repealed and reenacted by Laws of Utah
152 2017, Chapter 278)
153 **53E-3-903**, (Renumbered from 53A-1-1002, as repealed and reenacted by Laws of Utah
154 2017, Chapter 278)

155 **53E-3-904**, (Renumbered from 53A-1-1003, as repealed and reenacted by Laws of Utah
156 2017, Chapter 278)
157 **53E-3-905**, (Renumbered from 53A-1-1004, as enacted by Laws of Utah 2017, Chapter
158 278)
159 **53E-3-906**, (Renumbered from 53A-1-1005, as enacted by Laws of Utah 2017, Chapter
160 278)
161 **53E-3-907**, (Renumbered from 53A-1-1006, as enacted by Laws of Utah 2017, Chapter
162 278)
163 **53E-3-908**, (Renumbered from 53A-1-1007, as enacted by Laws of Utah 2017, Chapter
164 278)
165 **53E-3-909**, (Renumbered from 53A-1-1008, as enacted by Laws of Utah 2017, Chapter
166 278)
167 **53E-3-910**, (Renumbered from 53A-1-1009, as enacted by Laws of Utah 2017, Chapter
168 278)
169 **53E-3-911**, (Renumbered from 53A-1-1010, as enacted by Laws of Utah 2017, Chapter
170 278)
171 **53E-3-912**, (Renumbered from 53A-1-1011, as enacted by Laws of Utah 2017, Chapter
172 278)
173 **53E-3-913**, (Renumbered from 53A-1-1012, as enacted by Laws of Utah 2017, Chapter
174 278)
175 **53E-3-914**, (Renumbered from 53A-1-1013, as enacted by Laws of Utah 2017, Chapter
176 278)
177 **53E-3-915**, (Renumbered from 53A-1-1014, as enacted by Laws of Utah 2017, Chapter
178 278)
179 **53E-3-916**, (Renumbered from 53A-1-1015, as enacted by Laws of Utah 2017, Chapter
180 278)
181 **53E-3-917**, (Renumbered from 53A-1-1016, as enacted by Laws of Utah 2017, Chapter
182 278)
183 **53E-3-918**, (Renumbered from 53A-1-1017, as enacted by Laws of Utah 2017, Chapter
184 278)
185 **53E-3-919**, (Renumbered from 53A-1-1018, as enacted by Laws of Utah 2017, Chapter

186 278)
187 **53E-3-920**, (Renumbered from 53A-1-1019, as enacted by Laws of Utah 2017, Chapter
188 278)
189 **53E-3-921**, (Renumbered from 53A-1-1020, as enacted by Laws of Utah 2017, Chapter
190 278)
191 **53E-4-202**, (Renumbered from 53A-1-402.6, as last amended by Laws of Utah 2017,
192 Chapter 378)
193 **53E-4-203**, (Renumbered from 53A-1-402.8, as last amended by Laws of Utah 2015,
194 Chapter 415)
195 **53E-4-204**, (Renumbered from 53A-13-108, as last amended by Laws of Utah 2015,
196 Chapter 415)
197 **53E-4-205**, (Renumbered from 53A-13-109.5, as enacted by Laws of Utah 2015,
198 Chapter 316)
199 **53E-4-206**, (Renumbered from 53A-1-1302, as last amended by Laws of Utah 2017,
200 Chapter 214)
201 **53E-4-301**, (Renumbered from 53A-1-602, as last amended by Laws of Utah 2017,
202 Chapter 378)
203 **53E-4-301.5**, (Renumbered from 53A-1-601, as last amended by Laws of Utah 2017,
204 Chapter 378)
205 **53E-4-302**, (Renumbered from 53A-1-603, as repealed and reenacted by Laws of Utah
206 2017, Chapter 378)
207 **53E-4-303**, (Renumbered from 53A-1-604, as repealed and reenacted by Laws of Utah
208 2017, Chapter 378)
209 **53E-4-304**, (Renumbered from 53A-1-611.5, as enacted by Laws of Utah 2017,
210 Chapter 378)
211 **53E-4-305**, (Renumbered from 53A-1-611, as last amended by Laws of Utah 2017,
212 Chapter 378)
213 **53E-4-306**, (Renumbered from 53A-1-606.5, as last amended by Laws of Utah 2016,
214 Chapter 220)
215 **53E-4-307**, (Renumbered from 53A-1-606.6, as last amended by Laws of Utah 2013,

216 Chapter 466)
217 **53E-4-308**, (Renumbered from 53A-1-603.5, as last amended by Laws of Utah 2017,
218 Chapter 378)
219 **53E-4-309**, (Renumbered from 53A-1-610, as last amended by Laws of Utah 2017,
220 Chapter 378)
221 **53E-4-310**, (Renumbered from 53A-1-607, as last amended by Laws of Utah 2017,
222 Chapter 378)
223 **53E-4-311**, (Renumbered from 53A-1-605, as last amended by Laws of Utah 2017,
224 Chapter 378)
225 **53E-4-312**, (Renumbered from 53A-1-608, as last amended by Laws of Utah 2017,
226 Chapter 378)
227 **53E-4-313**, (Renumbered from 53A-1-609, as last amended by Laws of Utah 2013,
228 Chapter 161)
229 **53E-4-402**, (Renumbered from 53A-14-101, as last amended by Laws of Utah 2002,
230 Chapter 299)
231 **53E-4-403**, (Renumbered from 53A-14-102, as last amended by Laws of Utah 2015,
232 Chapter 415)
233 **53E-4-404**, (Renumbered from 53A-14-103, as last amended by Laws of Utah 2006,
234 Chapter 14)
235 **53E-4-405**, (Renumbered from 53A-14-104, as last amended by Laws of Utah 2001,
236 Chapter 84)
237 **53E-4-406**, (Renumbered from 53A-14-105, as last amended by Laws of Utah 2001,
238 Chapter 84)
239 **53E-4-407**, (Renumbered from 53A-14-106, as last amended by Laws of Utah 2001,
240 Chapter 84)
241 **53E-4-408**, (Renumbered from 53A-14-107, as last amended by Laws of Utah 2016,
242 Chapter 144)
243 **53E-5-201**, (Renumbered from 53A-1-1102, as repealed and reenacted by Laws of Utah
244 2017, Chapter 378)
245 **53E-5-202**, (Renumbered from 53A-1-1103, as repealed and reenacted by Laws of Utah
246 2017, Chapter 378)

247 **53E-5-203**, (Renumbered from 53A-1-1104, as repealed and reenacted by Laws of Utah
248 2017, Chapter 378)
249 **53E-5-204**, (Renumbered from 53A-1-1105, as repealed and reenacted by Laws of Utah
250 2017, Chapter 378)
251 **53E-5-205**, (Renumbered from 53A-1-1106, as repealed and reenacted by Laws of Utah
252 2017, Chapter 378)
253 **53E-5-206**, (Renumbered from 53A-1-1107, as repealed and reenacted by Laws of Utah
254 2017, Chapter 378)
255 **53E-5-207**, (Renumbered from 53A-1-1108, as repealed and reenacted by Laws of Utah
256 2017, Chapter 378)
257 **53E-5-208**, (Renumbered from 53A-1-1109, as repealed and reenacted by Laws of Utah
258 2017, Chapter 378)
259 **53E-5-209**, (Renumbered from 53A-1-1110, as repealed and reenacted by Laws of Utah
260 2017, Chapter 378)
261 **53E-5-210**, (Renumbered from 53A-1-1111, as repealed and reenacted by Laws of Utah
262 2017, Chapter 378)
263 **53E-5-211**, (Renumbered from 53A-1-1112, as repealed and reenacted by Laws of Utah
264 2017, Chapter 378)
265 **53E-5-301**, (Renumbered from 53A-1-1202, as last amended by Laws of Utah 2017,
266 Chapters 378, 381 and last amended by Coordination Clause, Laws of Utah 2017,
267 Chapter 381)
268 **53E-5-302**, (Renumbered from 53A-1-1203, as last amended by Laws of Utah 2017,
269 Chapters 378, 381 and last amended by Coordination Clause, Laws of Utah 2017,
270 Chapter 381)
271 **53E-5-303**, (Renumbered from 53A-1-1204, as last amended by Laws of Utah 2017,
272 Chapter 381)
273 **53E-5-304**, (Renumbered from 53A-1-1205, as last amended by Laws of Utah 2017,
274 Chapter 381)
275 **53E-5-305**, (Renumbered from 53A-1-1206, as last amended by Laws of Utah 2017,
276 Chapters 378 and 381)

277 **53E-5-306**, (Renumbered from 53A-1-1207, as last amended by Laws of Utah 2017,
278 Chapters 378, 381 and last amended by Coordination Clause, Laws of Utah 2017,
279 Chapter 381)
280 **53E-5-307**, (Renumbered from 53A-1-1208, as last amended by Laws of Utah 2017,
281 Chapter 381)
282 **53E-5-308**, (Renumbered from 53A-1-1208.1, as enacted by Laws of Utah 2017,
283 Chapter 381)
284 **53E-5-309**, (Renumbered from 53A-1-1209, as last amended by Laws of Utah 2017,
285 Chapter 378)
286 **53E-5-310**, (Renumbered from 53A-1-1210, as enacted by Laws of Utah 2015, Chapter
287 449)
288 **53E-5-311**, (Renumbered from 53A-1-1211, as enacted by Laws of Utah 2016, Chapter
289 331)
290 **53E-6-102**, (Renumbered from 53A-6-103, as last amended by Laws of Utah 2016,
291 Chapter 144)
292 **53E-6-103**, (Renumbered from 53A-6-102, as last amended by Laws of Utah 2013,
293 Chapter 49)
294 **53E-6-201**, (Renumbered from 53A-6-104, as last amended by Laws of Utah 2003,
295 Chapter 315)
296 **53E-6-202 (Effective 07/01/18)**, (Renumbered from 53A-6-104.1 (Effective 07/01/18),
297 as last amended by Laws of Utah 2017, Chapter 472)
298 **53E-6-202 (Superseded 07/01/18)**, (Renumbered from 53A-6-104.1 (Superseded
299 07/01/18), as last amended by Laws of Utah 2015, Chapter 389)
300 **53E-6-203**, (Renumbered from 53A-6-111, as enacted by Laws of Utah 2004, Chapter
301 46)
302 **53E-6-301**, (Renumbered from 53A-6-106, as repealed and reenacted by Laws of Utah
303 1999, Chapter 108)
304 **53E-6-302**, (Renumbered from 53A-6-107, as last amended by Laws of Utah 2016,
305 Chapter 239)
306 **53E-6-303**, (Renumbered from 53A-6-108, as repealed and reenacted by Laws of Utah
307 1999, Chapter 108)

308 **53E-6-304**, (Renumbered from 53A-6-110, as last amended by Laws of Utah 2016,
309 Chapter 144)
310 **53E-6-305**, (Renumbered from 53A-6-113, as enacted by Laws of Utah 2014, Chapter
311 417)
312 **53E-6-306**, (Renumbered from 53A-6-104.5, as last amended by Laws of Utah 2016,
313 Chapter 144)
314 **53E-6-307**, (Renumbered from 53A-6-404, as last amended by Laws of Utah 2016,
315 Chapter 144)
316 **53E-6-401**, (Renumbered from 53A-6-401, as repealed and reenacted by Laws of Utah
317 2015, Chapter 389)
318 **53E-6-402**, (Renumbered from 53A-6-402, as last amended by Laws of Utah 2016,
319 Chapter 199)
320 **53E-6-403**, (Renumbered from 53A-6-403, as last amended by Laws of Utah 2016,
321 Chapter 144)
322 **53E-6-501**, (Renumbered from 53A-6-301, as repealed and reenacted by Laws of Utah
323 1999, Chapter 108)
324 **53E-6-502**, (Renumbered from 53A-6-302, as last amended by Laws of Utah 2016,
325 Chapter 144)
326 **53E-6-503**, (Renumbered from 53A-6-303, as enacted by Laws of Utah 1999, Chapter
327 108)
328 **53E-6-504**, (Renumbered from 53A-6-304, as enacted by Laws of Utah 1999, Chapter
329 108)
330 **53E-6-505 (Effective 07/01/18)**, (Renumbered from 53A-6-305 (Effective 07/01/18),
331 as last amended by Laws of Utah 2017, Chapter 472)
332 **53E-6-505 (Superseded 07/01/18)**, (Renumbered from 53A-6-305 (Superseded
333 07/01/18), as enacted by Laws of Utah 1999, Chapter 108)
334 **53E-6-506**, (Renumbered from 53A-6-306, as last amended by Laws of Utah 2015,
335 Chapter 389 and repealed and reenacted by Laws of Utah 2015, Chapter 311 and
336 last amended by Coordination Clause, Laws of Utah 2015, Chapter 311)
337 **53E-6-601**, (Renumbered from 53A-6-601, as enacted by Laws of Utah 1999, Chapter

338 108)

339 **53E-6-602**, (Renumbered from 53A-6-307, as repealed and reenacted by Laws of Utah

340 2015, Chapter 311)

341 **53E-6-603**, (Renumbered from 53A-6-405, as repealed and reenacted by Laws of Utah

342 2015, Chapter 311)

343 **53E-6-604**, (Renumbered from 53A-6-501, as repealed and reenacted by Laws of Utah

344 2015, Chapter 311)

345 **53E-6-605**, (Renumbered from 53A-6-602, as enacted by Laws of Utah 1999, Chapter

346 108)

347 **53E-6-606**, (Renumbered from 53A-6-603, as enacted by Laws of Utah 1999, Chapter

348 108)

349 **53E-6-607**, (Renumbered from 53A-6-604, as last amended by Laws of Utah 2015,

350 Chapter 311)

351 **53E-6-701**, (Renumbered from 53A-6-502, as last amended by Laws of Utah 2015,

352 Chapter 311)

353 **53E-6-702**, (Renumbered from 53A-6-503, as last amended by Laws of Utah 2008,

354 Chapter 382)

355 **53E-6-703**, (Renumbered from 53A-3-421, as enacted by Laws of Utah 1999, Chapter

356 108)

357 **53E-6-801**, (Renumbered from 53A-7-101, as last amended by Laws of Utah 2000,

358 Chapter 224)

359 **53E-6-802**, (Renumbered from 53A-7-102, as repealed and reenacted by Laws of Utah

360 1999, Chapter 108)

361 **53E-6-901**, (Renumbered from 53A-6-109, as last amended by Laws of Utah 2015,

362 Chapter 389)

363 **53E-6-902**, (Renumbered from 53A-6-115, as enacted by Laws of Utah 2016, Chapter

364 328)

365 **53E-6-903**, (Renumbered from 53A-6-116, as enacted by Laws of Utah 2016, Chapter

366 27)

367 **53E-6-1001**, (Renumbered from 53A-6-201, as enacted by Laws of Utah 1988, Chapter

368 2)

369 **53E-6-1002**, (Renumbered from 53A-6-202, as enacted by Laws of Utah 1988, Chapter
370 2)
371 **53E-6-1003**, (Renumbered from 53A-6-203, as enacted by Laws of Utah 1988, Chapter
372 2)
373 **53E-6-1004**, (Renumbered from 53A-6-204, as enacted by Laws of Utah 1988, Chapter
374 2)
375 **53E-6-1005**, (Renumbered from 53A-6-205, as enacted by Laws of Utah 1988, Chapter
376 2)
377 **53E-6-1006**, (Renumbered from 53A-6-206, as enacted by Laws of Utah 1988, Chapter
378 2)
379 **53E-6-1007**, (Renumbered from 53A-6-207, as enacted by Laws of Utah 1988, Chapter
380 2)
381 **53E-6-1008**, (Renumbered from 53A-6-208, as enacted by Laws of Utah 1988, Chapter
382 2)
383 **53E-6-1009**, (Renumbered from 53A-6-209, as enacted by Laws of Utah 1988, Chapter
384 2)
385 **53E-6-1010**, (Renumbered from 53A-6-210, as enacted by Laws of Utah 1988, Chapter
386 2)
387 **53E-6-1011**, (Renumbered from 53A-6-211, as enacted by Laws of Utah 1988, Chapter
388 2)
389 **53E-7-202**, (Renumbered from 53A-15-301, as last amended by Laws of Utah 2002,
390 Chapter 82)
391 **53E-7-203**, (Renumbered from 53A-15-302, as last amended by Laws of Utah 1992,
392 Chapter 53)
393 **53E-7-204**, (Renumbered from 53A-15-303, as last amended by Laws of Utah 2002,
394 Chapter 82)
395 **53E-7-205**, (Renumbered from 53A-15-303.5, as last amended by Laws of Utah 2000,
396 Chapter 215)
397 **53E-7-206**, (Renumbered from 53A-15-304, as last amended by Laws of Utah 1992,
398 Chapter 53)

399 **53E-7-207**, (Renumbered from 53A-15-304.5, as enacted by Laws of Utah 1996,
400 Chapter 318)
401 **53E-7-208**, (Renumbered from 53A-15-305, as last amended by Laws of Utah 2001,
402 Chapter 9)
403 **53E-7-301**, (Renumbered from 53A-25a-102, as last amended by Laws of Utah 2014,
404 Chapter 189)
405 **53E-7-302**, (Renumbered from 53A-25a-103, as enacted by Laws of Utah 1994,
406 Chapter 280)
407 **53E-7-303**, (Renumbered from 53A-25a-104, as enacted by Laws of Utah 1994,
408 Chapter 280)
409 **53E-7-304**, (Renumbered from 53A-25a-105, as last amended by Laws of Utah 2009,
410 Chapter 294)
411 **53E-7-305**, (Renumbered from 53A-25a-106, as last amended by Laws of Utah 2000,
412 Chapter 224)
413 **53E-8-102**, (Renumbered from 53A-25b-102, as last amended by Laws of Utah 2017,
414 Chapter 43)
415 **53E-8-201**, (Renumbered from 53A-25b-103, as enacted by Laws of Utah 2009,
416 Chapter 294)
417 **53E-8-202**, (Renumbered from 53A-25b-104, as enacted by Laws of Utah 2009,
418 Chapter 294)
419 **53E-8-203**, (Renumbered from 53A-25b-105, as last amended by Laws of Utah 2012,
420 Chapter 347)
421 **53E-8-204**, (Renumbered from 53A-25b-201, as last amended by Laws of Utah 2016,
422 Chapter 188)
423 **53E-8-301**, (Renumbered from 53A-25b-401, as enacted by Laws of Utah 2009,
424 Chapter 294)
425 **53E-8-302**, (Renumbered from 53A-25b-402, as enacted by Laws of Utah 2009,
426 Chapter 294)
427 **53E-8-401**, (Renumbered from 53A-25b-301, as last amended by Laws of Utah 2017,
428 Chapter 351)
429 **53E-8-402**, (Renumbered from 53A-25b-302, as enacted by Laws of Utah 2009,

430 Chapter 294)
431 **53E-8-403**, (Renumbered from 53A-25b-303, as enacted by Laws of Utah 2009,
432 Chapter 294)
433 **53E-8-404**, (Renumbered from 53A-25b-304, as last amended by Laws of Utah 2017,
434 Chapter 378)
435 **53E-8-405**, (Renumbered from 53A-25b-305, as enacted by Laws of Utah 2009,
436 Chapter 294)
437 **53E-8-406**, (Renumbered from 53A-25b-306, as last amended by Laws of Utah 2016,
438 Chapter 144)
439 **53E-8-407**, (Renumbered from 53A-25b-307, as last amended by Laws of Utah 2017,
440 Chapter 43)
441 **53E-8-408**, (Renumbered from 53A-25b-308, as enacted by Laws of Utah 2017,
442 Chapter 351)
443 **53E-8-409**, (Renumbered from 53A-25b-501, as last amended by Laws of Utah 2016,
444 Chapter 144)
445 **53E-8-410**, (Renumbered from 53A-17a-111.5, as last amended by Laws of Utah 2017,
446 Chapter 173)
447 **53E-9-202**, (Renumbered from 53A-13-301, as last amended by Laws of Utah 2017,
448 Chapter 30)
449 **53E-9-203**, (Renumbered from 53A-13-302, as last amended by Laws of Utah 2016,
450 Chapter 221)
451 **53E-9-204**, (Renumbered from 53A-13-303, as enacted by Laws of Utah 2017, Chapter
452 30)
453 **53E-9-301**, (Renumbered from 53A-1-1402, as last amended by Laws of Utah 2017,
454 Chapter 370)
455 **53E-9-302**, (Renumbered from 53A-1-1403, as last amended by Laws of Utah 2017,
456 Chapter 181)
457 **53E-9-303**, (Renumbered from 53A-1-1404, as enacted by Laws of Utah 2016, Chapter
458 221)
459 **53E-9-304**, (Renumbered from 53A-1-1405, as enacted by Laws of Utah 2016, Chapter

460 221)
461 **53E-9-305**, (Renumbered from 53A-1-1406, as last amended by Laws of Utah 2017,
462 Chapter 370)
463 **53E-9-306**, (Renumbered from 53A-1-1407, as enacted by Laws of Utah 2016, Chapter
464 221)
465 **53E-9-307**, (Renumbered from 53A-1-1408, as enacted by Laws of Utah 2016, Chapter
466 221)
467 **53E-9-308**, (Renumbered from 53A-1-1409, as enacted by Laws of Utah 2016, Chapter
468 221)
469 **53E-9-309**, (Renumbered from 53A-1-1410, as last amended by Laws of Utah 2017,
470 Chapter 370)
471 **53E-9-310**, (Renumbered from 53A-1-1411, as enacted by Laws of Utah 2016, Chapter
472 221)
473 **53E-10-202**, (Renumbered from 53A-15-401, as last amended by Laws of Utah 2004,
474 Chapter 257)
475 **53E-10-203**, (Renumbered from 53A-15-402, as enacted by Laws of Utah 1988,
476 Chapter 2)
477 **53E-10-204**, (Renumbered from 53A-15-403, as last amended by Laws of Utah 2004,
478 Chapter 257)
479 **53E-10-205**, (Renumbered from 53A-15-404, as last amended by Laws of Utah 1996,
480 Chapter 318)
481 **53E-10-206**, (Renumbered from 53A-15-405, as enacted by Laws of Utah 1988,
482 Chapter 2)
483 **53E-10-301**, (Renumbered from 53A-15-1702, as last amended by Laws of Utah 2017,
484 Chapter 444)
485 **53E-10-302**, (Renumbered from 53A-15-1703, as enacted by Laws of Utah 2016,
486 Chapter 200 and last amended by Coordination Clause, Laws of Utah 2016, Chapter
487 76)
488 **53E-10-303**, (Renumbered from 53A-15-1704, as enacted by Laws of Utah 2016,
489 Chapter 200)
490 **53E-10-304**, (Renumbered from 53A-15-1705, as enacted by Laws of Utah 2016,

491 Chapter 200)
492 **53E-10-305**, (Renumbered from 53A-15-1706, as enacted by Laws of Utah 2016,
493 Chapter 200)
494 **53E-10-307**, (Renumbered from 53A-15-1708, as enacted by Laws of Utah 2016,
495 Chapter 200 and last amended by Coordination Clause, Laws of Utah 2016, Chapter
496 76)
497 **53E-10-308**, (Renumbered from 53A-15-1709, as enacted by Laws of Utah 2016,
498 Chapter 200)
499 **53E-10-401**, (Renumbered from 53A-31-102, as enacted by Laws of Utah 2015,
500 Chapter 53)
501 **53E-10-402**, (Renumbered from 53A-31-201, as enacted by Laws of Utah 2015,
502 Chapter 53)
503 **53E-10-403**, (Renumbered from 53A-31-202, as enacted by Laws of Utah 2015,
504 Chapter 53)
505 **53E-10-404**, (Renumbered from 53A-31-203, as enacted by Laws of Utah 2015,
506 Chapter 53)
507 **53E-10-405**, (Renumbered from 53A-31-301, as enacted by Laws of Utah 2015,
508 Chapter 53)
509 **53E-10-406**, (Renumbered from 53A-31-302, as enacted by Laws of Utah 2015,
510 Chapter 53)
511 **53E-10-501**, (Renumbered from 53A-11-1502, as last amended by Laws of Utah 2015,
512 Chapter 442)
513 **53E-10-502**, (Renumbered from 53A-11-1503, as repealed and reenacted by Laws of
514 Utah 2015, Chapter 442)
515 **53E-10-503**, (Renumbered from 53A-11-1504, as last amended by Laws of Utah 2015,
516 Chapter 442)
517 **53E-10-504**, (Renumbered from 53A-11-1505, as last amended by Laws of Utah 2015,
518 Chapter 442)
519 **53E-10-505**, (Renumbered from 53A-11-1506, as enacted by Laws of Utah 2015,
520 Chapter 442)

552 (a) assessing elementary school students who do not demonstrate satisfactory progress
553 in reading;

554 (b) providing instructional intervention to enable the students to overcome reading
555 difficulties; and

556 (c) becoming better prepared to help all students become successful readers by
557 providing them with professional development programs in reading that are based on best
558 practices and the most current, scientific research available through nationally and
559 internationally recognized reading researchers and instructional specialists.

560 (3) (a) The clinic shall focus primarily on students in grades 1 through 3 since research
561 shows the need for students to become successful readers by the end of grade 3.

562 (b) The clinic shall make assessment and instructional intervention services available
563 to public education students of all ages.

564 (4) The clinic shall provide these services at a base site in Salt Lake County and
565 through remote access interactive technology to reach educators, parents, and students
566 throughout the state.

567 (5) The clinic shall provide:

568 (a) instruction to teachers in the use of technology and blended learning in providing
569 individualized reading instruction and reading remediation; and

570 (b) access to students for reading remediation and instruction services through distance
571 learning technology if a student is unable to regularly access a reading clinic location.

572 (6) The clinic shall integrate both the usage of and instruction on the use of
573 technology-based reading assessment tools as part of the clinic's services.

574 Section 2. Section **53E-1-101** is enacted to read:

575 **TITLE 53E. PUBLIC EDUCATION SYSTEM -- STATE ADMINISTRATION**

576 **CHAPTER 1. TITLE PROVISIONS**

577 **Part 1. General Provisions**

578 **53E-1-101. Title.**

579 (1) This title is known as "Public Education System -- State Administration."

580 (2) This chapter is known as "Title Provisions."

581 Section 3. Section **53E-1-102** is enacted to read:

582 **53E-1-102. Public education code definitions.**

583 As used in this title, Title 53F, Public Education System -- Funding, and Title 53G,
 584 Public Education System -- Local Administration, "public education code" means:

- 585 (1) this title;
 586 (2) Title 53F, Public Education System -- Funding; and
 587 (3) Title 53G, Public Education System -- Local Administration.

588 Section 4. Section **53E-1-103** is enacted to read:
 589 **53E-1-103. Title 53E definitions.**

590 Reserved

591 Section 5. Section **53E-1-201** is enacted to read:

592 **Part 2. Reports**

593 **53E-1-201. Reports.**

594 Reserved

595 Section 6. Section **53E-2-101** is enacted to read:

596 **CHAPTER 2. PUBLIC EDUCATION SYSTEM POLICY**

597 **Part 1. General Provisions**

598 **53E-2-101. Title.**

599 This chapter is known as "Public Education System Policy."

600 Section 7. Section **53E-2-201**, which is renumbered from Section 53A-1-101 is
 601 renumbered and amended to read:

602 **Part 2. Policy and Planning for the Public Education System**

603 **[53A-1-101]. 53E-2-201. Policy for Utah's public education system.**

604 (1) (a) The continuous cultivation of an informed and virtuous citizenry among
 605 succeeding generations is essential to the state and the nation.

606 (b) The state's public education system is established and maintained as provided in
 607 Utah Constitution, Article X, and this [title] public education code.

608 (c) Parents and guardians have the primary responsibility for the education of their
 609 children and elect representatives in the Legislature and on state and local school boards to
 610 administer the state public education system, which provides extensive support and assistance.
 611 All children of the state are entitled to a free elementary and secondary public education as
 612 provided in Utah Constitution, Article X.

613 (d) Public schools fulfill a vital purpose in the education and preparation of informed

614 and responsible citizens who:

- 615 (i) fully understand and lawfully exercise their individual rights and liberties;
- 616 (ii) become self-reliant and able to provide for themselves and their families; and
- 617 (iii) contribute to the public good and the health, welfare, and security of the state and
- 618 the nation.

619 (2) In the implementation of all policies, programs, and responsibilities adopted in

620 accordance with this [title] public education code, the Legislature, the State Board of

621 Education, local school boards, and charter school governing boards shall:

- 622 (a) respect, protect, and further the interests of parents and guardians in their children's
- 623 public education; and
- 624 (b) promote and encourage full and active participation and involvement of parents and
- 625 guardians at all public schools.

626 Section 8. Section **53E-2-202**, which is renumbered from Section 53A-1-102.5 is

627 renumbered and amended to read:

628 ~~[53A-1-102.5]~~. **53E-2-202. Planning for Utah's public education system.**

629 (1) Before November 30, 2016, the State Board of Education shall:

- 630 (a) (i) prepare a report that summarizes, for the last 15 years or more, the policies and
- 631 programs established by, and the performance history of, the state's public education system;
- 632 and
- 633 (ii) prepare a formal 10-year plan for the state's public education system, including
- 634 recommendations to:

- 635 (A) repeal outdated policies and programs; and
- 636 (B) clarify and correlate current policies and programs; and
- 637 (b) submit the report and plan described in Subsection (1)(a) to the Education Interim
- 638 Committee for review and recommendations.

639 (2) The State Board of Education shall review and maintain the 10-year plan described

640 in Subsection (1)(a)(ii) and submit the updated plan to the Education Interim Committee for

641 review and approval at least once every five years.

642 Section 9. Section **53E-2-301**, which is renumbered from Section 53A-1a-103 is

643 renumbered and amended to read:

644 **Part 3. Goals and Methods of the Public Education System**

645 ~~[53A-1a-103]~~. **53E-2-301. Public education's vision and mission.**

646 (1) The Legislature envisions an educated citizenry that encompasses the following
647 foundational principles:

648 (a) citizen participation in civic and political affairs;

649 (b) economic prosperity for the state by graduating students who are college and career
650 ready;

651 (c) strong moral and social values; and

652 (d) loyalty and commitment to constitutional government.

653 (2) The Legislature recognizes that public education's mission is to assure Utah the best
654 educated citizenry in the world and each individual the training to succeed in a global society
655 by providing students with:

656 (a) learning and occupational skills;

657 (b) character development;

658 (c) literacy and numeracy;

659 (d) high quality instruction;

660 (e) curriculum based on high standards and relevance; and

661 (f) effective assessment to inform high quality instruction and accountability.

662 (3) The Legislature:

663 (a) recognizes that parents or guardians are a child's first teachers and are responsible
664 for the education of their children;

665 (b) encourages family engagement and adequate preparation so that students enter the
666 public education system ready to learn; and

667 (c) intends that the mission detailed in Subsection (2) be carried out through a
668 responsive educational system that guarantees local school communities autonomy, flexibility,
669 and client choice, while holding them accountable for results.

670 (4) This section will be applied consistent with Section ~~[53A-13-109]~~ 53G-10-204.

671 Section 10. Section **53E-2-302**, which is renumbered from Section 53A-1a-104 is
672 renumbered and amended to read:

673 ~~[53A-1a-104]~~. **53E-2-302. Characteristics of public education system.**

674 The Legislature shall assist in maintaining a public education system that has the
675 following characteristics:

676 (1) assumes that all students have the ability to learn and that each student departing
677 the system will be prepared to achieve success in productive employment, further education, or
678 both;

679 (2) provides a personalized education plan or personalized education occupation plan
680 for each student, which involves the student, the student's parent or guardian, and school
681 personnel in establishing the plan;

682 (3) provides students with the knowledge and skills to take responsibility for their
683 decisions and to make appropriate choices;

684 (4) provides opportunities for students to exhibit the capacity to learn, think, reason,
685 and work effectively, individually and in groups;

686 (5) offers world-class core standards that enable students to successfully compete in a
687 global society, and to succeed as citizens of a constitutional republic;

688 (6) incorporates an information retrieval system that provides students, parents, and
689 educators with reliable, useful, and timely data on the progress of each student;

690 (7) attracts, prepares, inducts, and retains excellent teachers for every classroom in
691 large part through collaborative efforts among the State Board of Education, the State Board of
692 Regents, and school districts, provides effective ongoing professional development
693 opportunities for teachers to improve their teaching skills, and provides recognition, rewards,
694 and compensation for their excellence;

695 (8) empowers each school district and public school to create its own vision and plan
696 to achieve results consistent with the objectives outlined in this [chapter] part;

697 (9) uses technology to improve teaching and learning processes and for the delivery of
698 educational services;

699 (10) promotes ongoing research and development projects at the district and the school
700 level that are directed at improving or enhancing public education;

701 (11) offers a public school choice program, which gives students and their parents
702 options to best meet the student's personalized education needs;

703 (12) emphasizes the involvement of educators, parents, business partnerships, and the
704 community at large in the educational process by allowing them to be involved in establishing
705 and implementing educational goals and participating in decision-making at the school site;

706 and

707 (13) emphasizes competency-based standards and progress-based assessments,
708 including tracking and measurement systems.

709 Section 11. Section **53E-2-303**, which is renumbered from Section 53A-1a-105 is
710 renumbered and amended to read:

711 ~~[53A-1a-105]~~. **53E-2-303**. **Parental participation in educational process --**
712 **Employer support.**

713 (1) The Legislature recognizes the importance of parental participation in the
714 educational process in order for students to achieve and maintain high levels of performance.

715 (2) It is, therefore, the policy of the state to:

716 (a) encourage parents to provide a home environment that values education and send
717 their children to school prepared to learn;

718 (b) rely upon school districts and schools to provide opportunities for parents of
719 students to be involved in establishing and implementing educational goals for their respective
720 schools and students; and

721 (c) expect employers to recognize the need for parents and members of the community
722 to participate in the public education system in order to help students achieve and maintain
723 excellence.

724 (3) (a) Each local school board shall adopt a policy on parental involvement in the
725 schools of the district.

726 (b) The board shall design its policy to build consistent and effective communication
727 among parents, teachers, and administrators.

728 (c) The policy shall provide parents with the opportunity to be actively involved in
729 their children's education and to be informed of:

730 (i) the importance of the involvement of parents in directly affecting the success of
731 their children's educational efforts; and

732 (ii) groups and organizations that may provide instruction and training to parents to
733 help improve their children's academic success and support their academic efforts.

734 Section 12. Section **53E-2-304**, which is renumbered from Section 53A-1a-106 is
735 renumbered and amended to read:

736 ~~[53A-1a-106]~~. **53E-2-304**. **School district and individual school powers --**
737 **Plan for college and career readiness definition.**

738 (1) In order to acquire and develop the characteristics listed in Section [~~53A-1a-104~~]
739 53E-2-302, each school district and each public school within its respective district shall
740 implement a comprehensive system of accountability in which students advance through public
741 schools by demonstrating competency in the core standards for Utah public schools through the
742 use of diverse assessment instruments such as authentic assessments, projects, and portfolios.

743 (2) (a) Each school district and public school shall:

744 (i) develop and implement programs integrating technology into the curriculum,
745 instruction, and student assessment;

746 (ii) provide for teacher and parent involvement in policymaking at the school site;

747 (iii) implement a public school choice program to give parents, students, and teachers
748 greater flexibility in designing and choosing among programs with different focuses through
749 schools within the same district and other districts, subject to space availability, demographics,
750 and legal and performance criteria;

751 (iv) establish strategic planning at both the district and school level and site-based
752 decision making programs at the school level;

753 (v) provide opportunities for each student to acquire and develop academic and
754 occupational knowledge, skills, and abilities;

755 (vi) participate in ongoing research and development projects primarily at the school
756 level aimed at improving the quality of education within the system; and

757 (vii) involve business and industry in the education process through the establishment
758 of partnerships with the business community at the district and school level.

759 (b) (i) As used in this [~~title~~] section, "plan for college and career readiness" means a
760 plan developed by a student and the student's parent or guardian, in consultation with school
761 counselors, teachers, and administrators that:

762 (A) is initiated at the beginning of grade 7;

763 (B) identifies a student's skills and objectives;

764 (C) maps out a strategy to guide a student's course selection; and

765 (D) links a student to post-secondary options, including higher education and careers.

766 (ii) Each local school board, in consultation with school personnel, parents, and school
767 community councils or similar entities shall establish policies to provide for the effective
768 implementation of an individual learning plan or a plan for college and career readiness for

769 each student at the school site.

770 (iii) The policies shall include guidelines and expectations for:

771 (A) recognizing the student's accomplishments, strengths, and progress toward meeting
772 student achievement standards as defined in the core standards for Utah public schools;

773 (B) planning, monitoring, and managing education and career development; and

774 (C) involving students, parents, and school personnel in preparing and implementing
775 an individual learning plan and a plan for college and career readiness.

776 (iv) A parent may request a conference with school personnel in addition to an
777 individual learning plan or a plan for college and career readiness conference established by
778 local school board policy.

779 (v) Time spent during the school day to implement an individual learning plan or a
780 plan for college and career readiness is considered part of the school term referred to in
781 Subsection [~~53A-17a-103~~] 53F-2-102(7).

782 (3) A school district or public school may submit proposals to modify or waive rules or
783 policies of a supervisory authority within the public education system in order to acquire or
784 develop the characteristics listed in Section [~~53A-1a-104~~] 53E-2-302.

785 (4) (a) Each school district and public school shall make an annual report to its patrons
786 on its activities under this section.

787 (b) The reporting process shall involve participation from teachers, parents, and the
788 community at large in determining how well the district or school is performing.

789 Section 13. Section **53E-3-101** is enacted to read:

790 **CHAPTER 3. STATE BOARD OF EDUCATION ORGANIZATION, POWERS, AND**
791 **DUTIES**

792 **Part 1. General Provisions**

793 **53E-3-101. Title.**

794 This chapter is known as "State Board of Education Organization, Powers, and Duties."

795 Section 14. Section **53E-3-201**, which is renumbered from Section 53A-1-201 is
796 renumbered and amended to read:

797 **Part 2. Organization**

798 [~~53A-1-201~~]. **53E-3-201. State Board of Education members -- Election**
799 **and appointment of officers -- Removal from office.**

800 (1) Members of the State Board of Education shall be nominated and elected as
801 provided in Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

802 (2) The State Board of Education shall elect from its members a chair, and at least one
803 vice chair, but no more than three vice chairs, each year at a meeting held any time between
804 November 15 and January 15.

805 (3) (a) If the election of officers is held subsequent to the election of a new member of
806 the board, but prior to the time that the new member takes office, the new member shall
807 assume the position of the outgoing member for purposes of the election of officers.

808 (b) In all other matters the outgoing member shall retain the full authority of the office
809 until replaced as provided by law.

810 (4) The duties of these officers shall be determined by the board.

811 (5) The board shall appoint a secretary who serves at the pleasure of the board.

812 (6) An officer appointed or elected by the board under this section may be removed
813 from office for cause by a vote of two-thirds of the board.

814 Section 15. Section **53E-3-202**, which is renumbered from Section 53A-1-202 is
815 renumbered and amended to read:

816 ~~**[53A-1-202].**~~ **53E-3-202. Compensation for members of the State Board of**
817 **Education -- Insurance -- Per diem and expenses.**

818 (1) The salary for a member of the State Board of Education is set in accordance with
819 Section 36-2-3.

820 (2) Compensation for a member of the State Board of Education is payable monthly.

821 (3) A State Board of Education member may participate in any group insurance plan
822 provided to employees of the State Board of Education as part of the State Board of Education
823 member's compensation on the same basis as required for employee participation.

824 (4) In addition to the provisions of Subsections (1) and (3), a State Board of Education
825 member may receive per diem and travel expenses in accordance with:

826 (a) Section 63A-3-106;

827 (b) Section 63A-3-107; and

828 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
829 63A-3-107.

830 Section 16. Section **53E-3-203**, which is renumbered from Section 53A-1-203 is

831 renumbered and amended to read:

832 ~~[53A-1-203]~~. **53E-3-203. State board meetings -- Quorum requirements.**

833 (1) The State Board of Education shall meet at the call of the chairman and at least 11
834 times each year.

835 (2) A majority of all members is required to validate an act of the State Board of
836 Education.

837 Section 17. Section **53E-3-204**, which is renumbered from Section 53A-1-204 is
838 renumbered and amended to read:

839 ~~[53A-1-204]~~. **53E-3-204. Gross neglect of duty -- Nonpayment of salary or**
840 **expenses.**

841 (1) Failure of a member of the State Board of Education or of a governing board of a
842 branch or division of the public school system to carry out responsibilities assigned by law or
843 to comply with rules of the State Board of Education is gross neglect of duty.

844 (2) Salary or expenses shall not be paid for work which violates rules of the board.

845 Section 18. Section **53E-3-301**, which is renumbered from Section 53A-1-301 is
846 renumbered and amended to read:

847 **Part 3. State Superintendent**

848 ~~[53A-1-301]~~. **53E-3-301. Appointment -- Qualifications -- Duties.**

849 (1) (a) The State Board of Education shall appoint a superintendent of public
850 instruction, hereinafter called the state superintendent, who is the executive officer of the State
851 Board of Education and serves at the pleasure of the State Board of Education.

852 (b) The State Board of Education shall appoint the state superintendent on the basis of
853 outstanding professional qualifications.

854 (c) The state superintendent shall administer all programs assigned to the State Board
855 of Education in accordance with the policies and the standards established by the State Board
856 of Education.

857 (2) The State Board of Education shall, with the state superintendent, develop a
858 statewide education strategy focusing on core academics, including the development of:

859 (a) core standards for Utah public schools and graduation requirements;

860 (b) a process to select model instructional materials that best correlate with the core
861 standards for Utah public schools and graduation requirements that are supported by generally

- 862 accepted scientific standards of evidence;
- 863 (c) professional development programs for teachers, superintendents, and principals;
- 864 (d) model remediation programs;
- 865 (e) a model method for creating individual student learning targets, and a method of
866 measuring an individual student's performance toward those targets;
- 867 (f) progress-based assessments for ongoing performance evaluations of school districts
868 and schools;
- 869 (g) incentives to achieve the desired outcome of individual student progress in core
870 academics that do not create disincentives for setting high goals for the students;
- 871 (h) an annual report card for school and school district performance, measuring
872 learning and reporting progress-based assessments;
- 873 (i) a systematic method to encourage innovation in schools and school districts as each
874 strives to achieve improvement in performance; and
- 875 (j) a method for identifying and sharing best demonstrated practices across school
876 districts and schools.
- 877 (3) The state superintendent shall perform duties assigned by the State Board of
878 Education, including:
- 879 (a) investigating all matters pertaining to the public schools;
- 880 (b) adopting and keeping an official seal to authenticate the state superintendent's
881 official acts;
- 882 (c) holding and conducting meetings, seminars, and conferences on educational topics;
- 883 (d) presenting to the governor and the Legislature each December a report of the public
884 school system for the preceding year that includes:
- 885 (i) data on the general condition of the schools with recommendations considered
886 desirable for specific programs;
- 887 (ii) a complete statement of fund balances;
- 888 (iii) a complete statement of revenues by fund and source;
- 889 (iv) a complete statement of adjusted expenditures by fund, the status of bonded
890 indebtedness, the cost of new school plants, and school levies;
- 891 (v) a complete statement of state funds allocated to each school district and charter
892 school by source, including supplemental appropriations, and a complete statement of

893 expenditures by each school district and charter school, including supplemental appropriations,
894 by function and object as outlined in the United States Department of Education publication
895 "Financial Accounting for Local and State School Systems";

896 (vi) a statement that includes data on:

897 (A) fall enrollments;

898 (B) average membership;

899 (C) high school graduates;

900 (D) licensed and classified employees, including data reported by school districts on
901 educator ratings pursuant to Section [~~53A-8a-410~~] 53G-11-511;

902 (E) pupil-teacher ratios;

903 (F) average class sizes;

904 (G) average salaries;

905 (H) applicable private school data; and

906 (I) data from statewide assessments described in Section [~~53A-1-602~~] 53E-4-301 for
907 each school and school district;

908 (vii) statistical information regarding incidents of delinquent activity in the schools or
909 at school-related activities with separate categories for:

910 (A) alcohol and drug abuse;

911 (B) weapon possession;

912 (C) assaults; and

913 (D) arson;

914 (viii) information about:

915 (A) the development and implementation of the strategy of focusing on core
916 academics;

917 (B) the development and implementation of competency-based education and
918 progress-based assessments; and

919 (C) the results being achieved under Subsections (3)(d)(viii)(A) and (B), as measured
920 by individual progress-based assessments and a comparison of Utah students' progress with the
921 progress of students in other states using standardized norm-referenced tests as benchmarks;
922 and

923 (ix) other statistical and financial information about the school system that the state

924 superintendent considers pertinent;

925 (e) collecting and organizing education data into an automated decision support system

926 to facilitate school district and school improvement planning, accountability reporting,

927 performance recognition, and the evaluation of educational policy and program effectiveness to

928 include:

929 (i) data that are:

930 (A) comparable across schools and school districts;

931 (B) appropriate for use in longitudinal studies; and

932 (C) comprehensive with regard to the data elements required under applicable state or

933 federal law or State Board of Education rule;

934 (ii) features that enable users, most particularly school administrators, teachers, and

935 parents, to:

936 (A) retrieve school and school district level data electronically;

937 (B) interpret the data visually; and

938 (C) draw conclusions that are statistically valid; and

939 (iii) procedures for the collection and management of education data that:

940 (A) require the state superintendent to:

941 (I) collaborate with school districts and charter schools in designing and implementing

942 uniform data standards and definitions;

943 (II) undertake or sponsor research to implement improved methods for analyzing

944 education data;

945 (III) provide for data security to prevent unauthorized access to or contamination of the

946 data; and

947 (IV) protect the confidentiality of data under state and federal privacy laws; and

948 (B) require all school districts and schools to comply with the data collection and

949 management procedures established under Subsection (3)(e);

950 (f) administering and implementing federal educational programs in accordance with

951 [~~Title 53A, Chapter 1, Part 9,~~ Part 8, Implementing Federal or National Education Programs

952 [~~Act~~]; and

953 (g) with the approval of the State Board of Education, preparing and submitting to the

954 governor a budget for the State Board of Education to be included in the budget that the

955 governor submits to the Legislature.

956 (4) The state superintendent shall distribute funds deposited in the Autism Awareness
957 Restricted Account created in Section [~~53A-1-304~~] 53F-9-401 in accordance with the
958 requirements of Section [~~53A-1-304~~] 53F-9-401.

959 (5) Upon leaving office, the state superintendent shall deliver to the state
960 superintendent's successor all books, records, documents, maps, reports, papers, and other
961 articles pertaining to the state superintendent's office.

962 (6) (a) For the purposes of Subsection (3)(d)(vi):

963 (i) the pupil-teacher ratio for a school shall be calculated by dividing the number of
964 students enrolled in a school by the number of full-time equivalent teachers assigned to the
965 school, including regular classroom teachers, school-based specialists, and special education
966 teachers;

967 (ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio of
968 the schools within a school district;

969 (iii) the pupil-teacher ratio for charter schools aggregated shall be the median
970 pupil-teacher ratio of charter schools in the state; and

971 (iv) the pupil-teacher ratio for the state's public schools aggregated shall be the median
972 pupil-teacher ratio of public schools in the state.

973 (b) The printed copy of the report required by Subsection (3)(d) shall:

974 (i) include the pupil-teacher ratio for:

975 (A) each school district;

976 (B) the charter schools aggregated; and

977 (C) the state's public schools aggregated; and

978 (ii) identify a website where pupil-teacher ratios for each school in the state may be
979 accessed.

980 Section 19. Section **53E-3-302**, which is renumbered from Section 53A-1-302 is
981 renumbered and amended to read:

982 [~~53A-1-302~~]. **53E-3-302. Compensation of state superintendent -- Other**
983 **board employees.**

984 (1) The board shall establish the compensation of the state superintendent.

985 (2) The board may, as necessary for the proper administration and supervision of the

986 public school system:

987 (a) appoint other employees; and

988 (b) delegate appropriate duties and responsibilities to board employees.

989 (3) The compensation and duties of board employees shall be established by the board
990 and paid from money appropriated for that purpose.

991 Section 20. Section **53E-3-303**, which is renumbered from Section 53A-1-303 is
992 renumbered and amended to read:

993 **[53A-1-303]. 53E-3-303. Advice by superintendent -- Written opinions.**

994 (1) The state superintendent shall advise superintendents, school boards, and other
995 school officers upon all matters involving the welfare of the schools.

996 (2) The superintendent shall, when requested by district superintendents or other school
997 officers, provide written opinions on questions of public education, administrative policy, and
998 procedure, but not upon questions of law.

999 (3) Upon request by the state superintendent, the attorney general shall issue written
1000 opinions on questions of law.

1001 (4) Opinions issued under this section shall be considered to be correct and final unless
1002 set aside by a court of competent jurisdiction or by subsequent legislation.

1003 Section 21. Section **53E-3-401**, which is renumbered from Section 53A-1-401 is
1004 renumbered and amended to read:

1005 **Part 4. Powers**

1006 **[53A-1-401]. 53E-3-401. Powers of State Board of Education -- Adoption**
1007 **of rules -- Enforcement -- Attorney.**

1008 (1) As used in this section:

1009 (a) "Board" means the State Board of Education.

1010 (b) "Education entity" means:

1011 (i) an entity that receives a distribution of state funds through a grant program managed
1012 by the board under this ~~[title]~~ public education code;

1013 (ii) an entity that enters into a contract with the board to provide an educational good or
1014 service;

1015 (iii) a school district; or

1016 (iv) a charter school.

1017 (c) "Educational good or service" means a good or service that is required or regulated
1018 under:

1019 (i) this ~~[title]~~ public education code; or

1020 (ii) a rule authorized under this ~~[title]~~ public education code.

1021 (d) "Local education agency" or "LEA" means:

1022 (i) a school district;

1023 (ii) a charter school; or

1024 (iii) the Utah Schools for the Deaf and the Blind.

1025 (2) (a) The State Board of Education has general control and supervision of the state's
1026 public education system.

1027 (b) "General control and supervision" as used in Utah Constitution, Article X, Section
1028 3, means directed to the whole system.

1029 (3) The board may not govern, manage, or operate school districts, institutions, and
1030 programs, unless granted that authority by statute.

1031 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1032 the board may make rules to execute the board's duties and responsibilities under the Utah
1033 Constitution and state law.

1034 (b) The board may delegate the board's statutory duties and responsibilities to board
1035 employees.

1036 (5) (a) The board may sell any interest it holds in real property upon a finding by the
1037 board that the property interest is surplus.

1038 (b) The board may use the money it receives from a sale under Subsection (5)(a) for
1039 capital improvements, equipment, or materials, but not for personnel or ongoing costs.

1040 (c) If the property interest under Subsection (5)(a) was held for the benefit of an agency
1041 or institution administered by the board, the money may only be used for purposes related to
1042 the agency or institution.

1043 (d) The board shall advise the Legislature of any sale under Subsection (5)(a) and
1044 related matters during the next following session of the Legislature.

1045 (6) The board shall develop policies and procedures related to federal educational
1046 programs in accordance with ~~[Title 53A, Chapter 1, Part 9,]~~ Part 8, Implementing Federal or
1047 National Education Programs [Act].

1048 (7) On or before December 31, 2010, the State Board of Education shall review
1049 mandates or requirements provided for in board rule to determine whether certain mandates or
1050 requirements could be waived to remove funding pressures on public schools on a temporary
1051 basis.

1052 (8) (a) If an education entity violates this [~~title~~] public education code or rules
1053 authorized under this [~~title~~] public education code, the board may, in accordance with the rules
1054 described in Subsection (8)(c):

1055 (i) require the education entity to enter into a corrective action agreement with the
1056 board;

1057 (ii) temporarily or permanently withhold state funds from the education entity;

1058 (iii) require the education entity to pay a penalty; or

1059 (iv) require the education entity to reimburse specified state funds to the board.

1060 (b) Except for temporarily withheld funds, if the board collects state funds under
1061 Subsection (8)(a), the board shall pay the funds into the Uniform School Fund.

1062 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1063 board shall make rules:

1064 (i) that require notice and an opportunity to be heard for an education entity affected by
1065 a board action described in Subsection (8)(a); and

1066 (ii) to administer this Subsection (8).

1067 (d) The board shall report criminal conduct of an education entity to the district
1068 attorney of the county where the education entity is located.

1069 (9) The board may audit the use of state funds by an education entity that receives
1070 those state funds as a distribution from the board.

1071 (10) The board may require, by rule made in accordance with Title 63G, Chapter 3,
1072 Utah Administrative Rulemaking Act, that if an LEA contracts with a third party contractor for
1073 an educational good or service, the LEA shall require in the contract that the third party
1074 contractor shall provide, upon request of the LEA, information necessary for the LEA to verify
1075 that the educational good or service complies with:

1076 (a) this [~~title~~] public education code; and

1077 (b) board rule authorized under this [~~title~~] public education code.

1078 (11) (a) The board may appoint an attorney to provide legal advice to the board and

1079 coordinate legal affairs for the board and the board's employees.

1080 (b) An attorney described in Subsection (11)(a) shall cooperate with the Office of the
1081 Attorney General.

1082 (c) An attorney described in Subsection (11)(a) may not:

1083 (i) conduct litigation;

1084 (ii) settle claims covered by the Risk Management Fund created in Section 63A-4-201;

1085 or

1086 (iii) issue formal legal opinions.

1087 Section 22. Section **53E-3-402**, which is renumbered from Section 53A-1-406 is
1088 renumbered and amended to read:

1089 ~~**53A-1-406**~~. **53E-3-402. Acceptance of gifts, endowments, devises, and**
1090 **bequests.**

1091 (1) The State Board of Education, on its own behalf or on behalf of an educational
1092 institution for which the board is the direct governing body, may accept private grants, loans,
1093 gifts, endowments, devises, or bequests which are made for educational purposes.

1094 (2) These contributions are not subject to appropriation by the Legislature.

1095 Section 23. Section **53E-3-403**, which is renumbered from Section 53A-4-205 is
1096 renumbered and amended to read:

1097 ~~**53A-4-205**~~. **53E-3-403. Establishment of public education foundations --**
1098 **Powers and duties -- Tax exempt status.**

1099 (1) The State Board of Education, a local school board, or the Utah Schools for the
1100 Deaf and Blind may establish foundations to:

1101 (a) assist in the development and implementation of ~~the programs authorized under~~
1102 ~~this part~~ programs to promote educational excellence; and

1103 (b) assist in the accomplishment of other education-related objectives.

1104 (2) A foundation established under Subsection (1):

1105 (a) may solicit and receive contributions from private enterprises for the purpose of this
1106 ~~part~~ section;

1107 (b) shall comply with Title 51, Chapter 7, State Money Management Act, and rules
1108 made under the act;

1109 (c) has no power or authority to incur contractual obligations or liabilities that

1110 constitute a claim against public funds except as provided in this section;

1111 (d) may not exercise executive, administrative, or rulemaking authority over the
1112 programs [~~referred to in this part~~] described in this section, except to the extent specifically
1113 authorized by the responsible school board;

1114 (e) is exempt from all taxes levied by the state or any of its political subdivisions with
1115 respect to activities conducted under this [~~part~~] section;

1116 (f) may participate in the Risk Management Fund under Section 63A-4-204;

1117 (g) shall provide a school with information detailing transactions and balances of funds
1118 managed for that school;

1119 (h) shall, for foundation accounts from which money is distributed to schools, provide
1120 all the schools within a school district information that:

1121 (i) details account transactions; and

1122 (ii) shows available balances in the accounts; and

1123 (i) may not:

1124 (i) engage in lobbying activities;

1125 (ii) attempt to influence legislation; or

1126 (iii) participate in any campaign activity for or against:

1127 (A) a political candidate; or

1128 (B) an initiative, referendum, proposed constitutional amendment, bond, or any other
1129 ballot proposition submitted to the voters.

1130 (3) A local school board that establishes a foundation under Subsection (1) shall:

1131 (a) require the foundation to:

1132 (i) use the school district's accounting system; or

1133 (ii) follow written accounting policies established by the board;

1134 (b) review and approve the foundation's accounting, purchasing, and check issuance
1135 policies to ensure that there is an adequate separation of responsibilities; and

1136 (c) approve procedures to verify that issued foundation payments have been properly
1137 approved.

1138 Section 24. Section **53E-3-501**, which is renumbered from Section 53A-1-402 is
1139 renumbered and amended to read:

1140 **Part 5. Miscellaneous Duties**

1141 ~~[53A-1-402]~~. 53E-3-501. **State Board of Education to establish**
1142 **miscellaneous minimum standards for public schools.**

1143 (1) The State Board of Education shall establish rules and minimum standards for the
1144 public schools that are consistent with this ~~[title]~~ public education code, including rules and
1145 minimum standards governing the following:

1146 (a) (i) the qualification and certification of educators and ancillary personnel who
1147 provide direct student services;

1148 (ii) required school administrative and supervisory services; and

1149 (iii) the evaluation of instructional personnel;

1150 (b) (i) access to programs;

1151 (ii) attendance;

1152 (iii) competency levels;

1153 (iv) graduation requirements; and

1154 (v) discipline and control;

1155 (c) (i) school accreditation;

1156 (ii) the academic year;

1157 (iii) alternative and pilot programs;

1158 (iv) curriculum and instruction requirements;

1159 (v) school libraries; and

1160 (vi) services to:

1161 (A) persons with a disability as defined by and covered under:

1162 (I) the Americans with Disabilities Act of 1990, 42 U.S.C. 12102;

1163 (II) the Rehabilitation Act of 1973, 29 U.S.C. 705(20)(A); and

1164 (III) the Individuals with Disabilities Education Act, 20 U.S.C. 1401(3); and

1165 (B) other special groups;

1166 (d) (i) state reimbursed bus routes;

1167 (ii) bus safety and operational requirements; and

1168 (iii) other transportation needs; and

1169 (e) (i) school productivity and cost effectiveness measures;

1170 (ii) federal programs;

1171 (iii) school budget formats; and

1172 (iv) financial, statistical, and student accounting requirements.

1173 (2) The State Board of Education shall determine if:

1174 (a) the minimum standards have been met; and

1175 (b) required reports are properly submitted.

1176 (3) The State Board of Education may apply for, receive, administer, and distribute to
1177 eligible applicants funds made available through programs of the federal government.

1178 (4) (a) A technical college listed in Section 53B-2a-105 shall provide
1179 competency-based career and technical education courses that fulfill high school graduation
1180 requirements, as requested and authorized by the State Board of Education.

1181 (b) A school district may grant a high school diploma to a student participating in a
1182 course described in Subsection (4)(a) that is provided by a technical college listed in Section
1183 53B-2a-105.

1184 Section 25. Section **53E-3-502**, which is renumbered from Section 53A-1a-107 is
1185 renumbered and amended to read:

1186 ~~[53A-1a-107]~~. **53E-3-502**. **State Board of Education assistance to districts**
1187 **and schools.**

1188 In order to assist school districts and individual schools in acquiring and maintaining
1189 the characteristics set forth in Section ~~[53A-1a-104]~~ 53E-2-302, the State Board of Education
1190 shall:

1191 (1) provide the framework for an education system, including core competency
1192 standards and their assessment, in which school districts and public schools permit students to
1193 advance by demonstrating competency in subject matter and mastery of skills;

1194 (2) conduct a statewide public awareness program on competency-based educational
1195 systems;

1196 (3) compile and publish, for the state as a whole, a set of educational performance
1197 indicators describing trends in student performance;

1198 (4) promote a public education climate of high expectations and academic excellence;

1199 (5) disseminate successful site-based decision-making models to districts and schools
1200 and provide teacher professional development opportunities and evaluation programs for
1201 site-based plans consistent with Subsections ~~[53A-1a-104]~~ 53E-2-302(7) and ~~[53A-6-102]~~
1202 53E-6-103(2)(a) and (b);

1203 (6) provide a mechanism for widespread dissemination of information about strategic
 1204 planning for public education, including involvement of business and industry in the education
 1205 process, in order to ensure the understanding and support of all the individuals and groups
 1206 concerned with the mission of public education as outlined in Section [~~53A-1a-103~~]
 1207 53E-2-301;

1208 (7) provide for a research and development clearing house at the state level to receive
 1209 and share with school districts and public schools information on effective and innovative
 1210 practices and programs in education;

1211 (8) help school districts develop and implement guidelines, strategies, and professional
 1212 development programs for administrators and teachers consistent with Subsections
 1213 [~~53A-1a-104~~] 53E-2-302(7) and [~~53A-6-102~~] 53E-6-103(2)(a) and (b) focused on improving
 1214 interaction with parents and promoting greater parental involvement in the public schools; and

1215 (9) in concert with the State Board of Regents and the state's colleges of education
 1216 review and revise teacher licensing requirements to be consistent with teacher preparation for
 1217 participation in personalized education programs within the public schools.

1218 Section 26. Section **53E-3-503**, which is renumbered from Section 53A-1-403 is
 1219 renumbered and amended to read:

1220 [~~53A-1-403~~]. **53E-3-503. Education of persons under 21 in custody of or**
 1221 **receiving services from certain state agencies -- Establishment of coordinating council --**
 1222 **Advisory councils.**

1223 (1) For purposes of this section, "board" means the State Board of Education.

1224 (2) (a) The board is directly responsible for the education of all persons under the age
 1225 of 21 who are:

1226 (i) receiving services from the Department of Human Services;

1227 (ii) in the custody of an equivalent agency of a Native American tribe recognized by
 1228 the United States Bureau of Indian Affairs and whose custodial parent or legal guardian resides
 1229 within the state; or

1230 (iii) being held in a juvenile detention facility.

1231 (b) The board shall adopt rules, in accordance with Title 63G, Chapter 3, Utah
 1232 Administrative Rulemaking Act, to provide for the distribution of funds for the education of
 1233 persons described in Subsection (2)(a).

1234 (3) Subsection (2)(a)(ii) does not apply to persons taken into custody for the primary
1235 purpose of obtaining access to education programs provided for youth in custody.

1236 (4) The board shall, where feasible, contract with school districts or other appropriate
1237 agencies to provide educational, administrative, and supportive services, but the board shall
1238 retain responsibility for the programs.

1239 (5) The Legislature shall establish and maintain separate education budget categories
1240 for youth in custody or who are under the jurisdiction of the following state agencies:

1241 (a) detention centers and the Divisions of Juvenile Justice Services and Child and
1242 Family Services;

1243 (b) the Division of Substance Abuse and Mental Health; and

1244 (c) the Division of Services for People with Disabilities.

1245 (6) (a) The Department of Human Services and the State Board of Education shall
1246 appoint a coordinating council to plan, coordinate, and recommend budget, policy, and
1247 program guidelines for the education and treatment of persons in the custody of the Division of
1248 Juvenile Justice Services and the Division of Child and Family Services.

1249 (b) The department and board may appoint similar councils for those in the custody of
1250 the Division of Substance Abuse and Mental Health or the Division of Services for People with
1251 Disabilities.

1252 (7) A school district contracting to provide services under Subsection (4) shall
1253 establish an advisory council to plan, coordinate, and review education and treatment programs
1254 for persons held in custody in the district.

1255 Section 27. Section **53E-3-504**, which is renumbered from Section 53A-1-801 is
1256 renumbered and amended to read:

1257 ~~[53A-1-801]~~. **53E-3-504. Child literacy program -- Coordinated activities.**

1258 (1) The State Board of Education, through the state superintendent of public
1259 instruction, shall provide for a public service campaign to educate parents on the importance of
1260 providing their children with opportunities to develop emerging literacy skills through a
1261 statewide "Read to Me" program.

1262 (2) The board shall coordinate its activities under this section with other state and
1263 community entities that are engaged in child literacy programs in order to maximize its efforts
1264 and resources, including the Utah Commission on National and Community Service.

1265 Section 28. Section **53E-3-505**, which is renumbered from Section 53A-13-110 is
1266 renumbered and amended to read:

1267 ~~[53A-13-110]~~. **53E-3-505. Financial and economic literacy education.**

1268 (1) As used in this section:

1269 (a) "Financial and economic activities" include activities related to the topics listed in
1270 Subsection (1)(b).

1271 (b) "Financial and economic literacy concepts" include concepts related to the
1272 following topics:

1273 (i) basic budgeting;

1274 (ii) saving and financial investments;

1275 (iii) banking and financial services, including balancing a checkbook or a bank account
1276 and online banking services;

1277 (iv) career management, including earning an income;

1278 (v) rights and responsibilities of renting or buying a home;

1279 (vi) retirement planning;

1280 (vii) loans and borrowing money, including interest, credit card debt, predatory
1281 lending, and payday loans;

1282 (viii) insurance;

1283 (ix) federal, state, and local taxes;

1284 (x) charitable giving;

1285 (xi) online commerce;

1286 (xii) identity fraud and theft;

1287 (xiii) negative financial consequences of gambling;

1288 (xiv) bankruptcy;

1289 (xv) free markets and prices;

1290 (xvi) supply and demand;

1291 (xvii) monetary and fiscal policy;

1292 (xviii) effective business plan creation, including using economic analysis in creating a
1293 plan;

1294 (xix) scarcity and choices;

1295 (xx) opportunity cost and tradeoffs;

- 1296 (xxi) productivity;
- 1297 (xxii) entrepreneurship; and
- 1298 (xxiii) economic reasoning.
- 1299 (c) "Financial and economic literacy passport" means a document that tracks mastery
- 1300 of financial and economic literacy concepts and completion of financial and economic
- 1301 activities in kindergarten through grade 12.
- 1302 (d) "General financial literacy course" means the course of instruction described in
- 1303 Section [~~53A-13-108~~] 53E-4-204.
- 1304 (2) The State Board of Education shall:
- 1305 (a) in cooperation with interested private and nonprofit entities:
- 1306 (i) develop a financial and economic literacy passport that students may elect to
- 1307 complete;
- 1308 (ii) develop methods of encouraging parent and educator involvement in completion of
- 1309 the financial and economic literacy passport; and
- 1310 (iii) develop and implement appropriate recognition and incentives for students who
- 1311 complete the financial and economic literacy passport, including:
- 1312 (A) a financial and economic literacy endorsement on the student's diploma of
- 1313 graduation;
- 1314 (B) a specific designation on the student's official transcript; and
- 1315 (C) any incentives offered by community partners;
- 1316 (b) more fully integrate existing and new financial and economic literacy education
- 1317 into instruction in kindergarten through grade 12 by:
- 1318 (i) coordinating financial and economic literacy instruction with existing instruction in
- 1319 other areas of the core standards for Utah public schools, such as mathematics and social
- 1320 studies;
- 1321 (ii) using curriculum mapping;
- 1322 (iii) creating training materials and staff development programs that:
- 1323 (A) highlight areas of potential coordination between financial and economic literacy
- 1324 education and other core standards for Utah public schools concepts; and
- 1325 (B) demonstrate specific examples of financial and economic literacy concepts as a
- 1326 way of teaching other core standards for Utah public schools concepts; and

- 1327 (iv) using appropriate financial and economic literacy assessments to improve financial
1328 and economic literacy education and, if necessary, developing assessments;
- 1329 (c) work with interested public, private, and nonprofit entities to:
- 1330 (i) identify, and make available to teachers, online resources for financial and
1331 economic literacy education, including modules with interactive activities and turnkey
1332 instructor resources;
- 1333 (ii) coordinate school use of existing financial and economic literacy education
1334 resources;
- 1335 (iii) develop simple, clear, and consistent messaging to reinforce and link existing
1336 financial literacy resources;
- 1337 (iv) coordinate the efforts of school, work, private, nonprofit, and other financial
1338 education providers in implementing methods of appropriately communicating to teachers,
1339 students, and parents key financial and economic literacy messages; and
- 1340 (v) encourage parents and students to establish higher education savings, including a
1341 Utah Educational Savings Plan account;
- 1342 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1343 make rules to develop guidelines and methods for school districts and charter schools to more
1344 fully integrate financial and economic literacy education into other core standards for Utah
1345 public schools courses;
- 1346 (e) (i) contract with a provider, through a request for proposals process, to develop an
1347 online, end-of-course assessment for the general financial literacy course;
- 1348 (ii) require a school district or charter school to administer an online, end-of-course
1349 assessment to a student who takes the general financial literacy course; and
- 1350 (iii) develop a plan, through the state superintendent of public instruction, to analyze
1351 the results of an online, end-of-course assessment in general financial literacy that includes:
- 1352 (A) an analysis of assessment results by standard; and
1353 (B) average scores statewide and by school district and school;
- 1354 (f) in cooperation with school districts, charter schools, and interested private and
1355 nonprofit entities, provide opportunities for professional development in financial and
1356 economic literacy to teachers, including:
- 1357 (i) a statewide learning community for financial and economic literacy;

- 1358 (ii) summer workshops; and
- 1359 (iii) online videos of experts in the field of financial and economic literacy education;
- 1360 and
- 1361 (g) implement a teacher endorsement in general financial literacy that includes course
- 1362 work in financial planning, credit and investing, consumer economics, personal budgeting, and
- 1363 family economics.
- 1364 ~~[(3) A public school shall provide the following to the parents or guardian of a~~
- 1365 ~~kindergarten student during kindergarten enrollment:]~~
- 1366 ~~[(a) a financial and economic literacy passport; and]~~
- 1367 ~~[(b) information about higher education savings options, including information about~~
- 1368 ~~opening a Utah Educational Savings Plan account.]~~
- 1369 ~~[(4)]~~ (3) (a) The State Board of Education shall establish a task force to study and make
- 1370 recommendations to the board on how to improve financial and economic literacy education in
- 1371 the public school system.
- 1372 (b) The task force membership shall include representatives of:
- 1373 (i) the State Board of Education;
- 1374 (ii) school districts and charter schools;
- 1375 (iii) the State Board of Regents; and
- 1376 (iv) private or public entities that teach financial education and share a commitment to
- 1377 empower individuals and families to achieve economic stability, opportunity, and upward
- 1378 mobility.
- 1379 (c) In 2013, the task force shall:
- 1380 (i) review and recommend modifications to the course standards and objectives of the
- 1381 general financial literacy course described in Section ~~[53A-13-108]~~ 53E-4-204 to ensure the
- 1382 course standards and objectives reflect current and relevant content consistent with the
- 1383 financial and economic literacy concepts listed in Subsection (1)(b);
- 1384 (ii) study the development of an online assessment of students' competency in financial
- 1385 and economic literacy that may be used to:
- 1386 (A) measure student learning growth and proficiency in financial and economic
- 1387 literacy; and
- 1388 (B) assess the effectiveness of instruction in financial and economic literacy;

1389 (iii) consider the development of a rigorous, online only, course to fulfill the general
1390 financial literacy curriculum and graduation requirements specified in Section [~~53A-13-108~~]
1391 53E-4-204;

1392 (iv) identify opportunities for teaching financial and economic literacy through an
1393 integrated school curriculum and in the regular course of school work;

1394 (v) study and make recommendations for educator license endorsements for teachers of
1395 financial and economic literacy;

1396 (vi) identify efficient and cost-effective methods of delivering professional
1397 development in financial and economic literacy content and instructional methods; and

1398 (vii) study how financial and economic literacy education may be enhanced through
1399 community partnerships.

1400 (d) The task force shall reconvene every three years to review and recommend
1401 adjustments to the standards and objectives of the general financial literacy course.

1402 (e) The State Board of Education shall make a report to the Education Interim
1403 Committee no later than the committee's November 2013 meeting summarizing the findings
1404 and recommendations of the task force and actions taken by the board in response to the task
1405 force's findings and recommendations.

1406 Section 29. Section ~~53E-3-506~~, which is renumbered from Section 53A-13-111 is
1407 renumbered and amended to read:

1408 [~~53A-13-111~~]. **53E-3-506. Educational program on the use of information**
1409 **technology.**

1410 (1) The State Board of Education shall provide for an educational program on the use
1411 of information technology, which shall be offered by high schools.

1412 (2) An educational program on the use of information technology shall:

1413 (a) provide instruction on skills and competencies essential for the workplace and
1414 requested by employers;

1415 (b) include the following components:

1416 (i) a curriculum;

1417 (ii) online access to the curriculum;

1418 (iii) instructional software for classroom and student use;

1419 (iv) certification of skills and competencies most frequently requested by employers;

- 1420 (v) professional development for teachers; and
1421 (vi) deployment and program support, including integration with existing core
1422 standards for Utah public schools; and
1423 (c) be made available to high school students, faculty, and staff.

1424 Section 30. Section **53E-3-507**, which is renumbered from Section 53A-15-202 is
1425 renumbered and amended to read:

1426 ~~[53A-15-202]~~. **53E-3-507. Powers of the board.**

1427 The State Board of Education:

1428 (1) shall establish minimum standards for career and technical education programs in
1429 the public education system;

1430 (2) may apply for, receive, administer, and distribute funds made available through
1431 programs of federal and state governments to promote and aid career and technical education;

1432 (3) shall cooperate with federal and state governments to administer programs that
1433 promote and maintain career and technical education;

1434 (4) shall cooperate with the Utah System of Technical Colleges Board of Trustees, Salt
1435 Lake Community College's School of Applied Technology, Snow College, and Utah State
1436 University Eastern to ensure that students in the public education system have access to career
1437 and technical education at Utah System of Technical Colleges technical colleges, Salt Lake
1438 Community College's School of Applied Technology, Snow College, and Utah State University
1439 Eastern;

1440 (5) shall require that before a minor student may participate in clinical experiences as
1441 part of a health care occupation program at a high school or other institution to which the
1442 student has been referred, the student's parent or legal guardian has:

1443 (a) been first given written notice through appropriate disclosure when registering and
1444 prior to participation that the program contains a clinical experience segment in which the
1445 student will observe and perform specific health care procedures that may include personal
1446 care, patient bathing, and bathroom assistance; and

1447 (b) provided specific written consent for the student's participation in the program and
1448 clinical experience; and

1449 (6) shall, after consulting with school districts, charter schools, the Utah System of
1450 Technical Colleges Board of Trustees, Salt Lake Community College's School of Applied

1451 Technology, Snow College, and Utah State University Eastern, prepare and submit an annual
1452 report to the governor and to the Legislature's Education Interim Committee by October 31 of
1453 each year detailing:

1454 (a) how the career and technical education needs of secondary students are being met;

1455 and

1456 (b) the access secondary students have to programs offered:

1457 (i) at technical colleges; and

1458 (ii) within the regions served by Salt Lake Community College's School of Applied

1459 Technology, Snow College, and Utah State University Eastern.

1460 Section 31. Section **53E-3-508**, which is renumbered from Section 53A-15-107 is
1461 renumbered and amended to read:

1462 ~~[53A-15-107]~~. **53E-3-508. Rulemaking -- Standards for high quality**
1463 **programs operating outside of the regular school day.**

1464 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
1465 in consultation with the Department of Workforce Services, the State Board of Education shall
1466 make rules that describe the standards for a high quality program operating outside of the
1467 regular school day:

1468 (a) for elementary or secondary students; and

1469 (b) offered by a:

1470 (i) school district;

1471 (ii) charter school;

1472 (iii) private provider, including a non-profit provider; or

1473 (iv) municipality.

1474 (2) The standards described in Subsection (1) shall specify that a high quality program
1475 operating outside of the regular school day:

1476 (a) provides a safe, healthy, and nurturing environment for all participants;

1477 (b) develops and maintains positive relationships among staff, participants, families,
1478 schools, and communities;

1479 (c) encourages participants to learn new skills; and

1480 (d) is effectively administered.

1481 Section 32. Section **53E-3-509**, which is renumbered from Section 53A-15-603 is

1482 renumbered and amended to read:

1483 ~~[53A-15-603]~~. **53E-3-509**. **Gang prevention and intervention policies.**

1484 (1) (a) The State Board of Education shall adopt rules that require a local school board
1485 or governing board of a charter school to enact gang prevention and intervention policies for all
1486 schools within the board's jurisdiction.

1487 (b) The rules described in Subsection (1)(a) shall provide that the gang prevention and
1488 intervention policies of a local school board or charter school governing board may include
1489 provisions that reflect the individual school district's or charter school's unique needs or
1490 circumstances.

1491 (2) The rules described in Subsection (1) may include the following provisions:

1492 (a) school faculty and personnel shall report suspected gang activities relating to the
1493 school and its students to a school administrator and law enforcement;

1494 (b) a student who participates in gang activities may be excluded from participation in
1495 extracurricular activities, including interscholastic athletics, as determined by the school
1496 administration after consultation with law enforcement;

1497 (c) gang-related graffiti or damage to school property shall result in parent or guardian
1498 notification and appropriate administrative and law enforcement actions, which may include
1499 obtaining restitution from those responsible for the damage;

1500 (d) if a serious gang-related incident, as determined by the school administrator in
1501 consultation with local law enforcement, occurs on school property, at school related activities,
1502 or on a site that is normally considered to be under school control, notification shall be
1503 provided to parents and guardians of students in the school:

1504 (i) informing them, in general terms, about the incident, but removing all personally
1505 identifiable information about students from the notice;

1506 (ii) emphasizing the school's concern for safety; and

1507 (iii) outlining the action taken at the school regarding the incident;

1508 (e) school faculty and personnel shall be trained by experienced evidence based trainers
1509 that may include community gang specialists and law enforcement as part of comprehensive
1510 strategies to recognize early warning signs for youth in trouble and help students resist serious
1511 involvement in undesirable activity, including joining gangs or mimicking gang behavior;

1512 (f) prohibitions on the following behavior:

- 1513 (i) advocating or promoting a gang or any gang-related activities;
- 1514 (ii) marking school property, books, or school work with gang names, slogans, or
1515 signs;
- 1516 (iii) conducting gang initiations;
- 1517 (iv) threatening another person with bodily injury or inflicting bodily injury on another
1518 in connection with a gang or gang-related activity;
- 1519 (v) aiding or abetting an activity described under Subsections (2)(f)(i) through (iv) by a
1520 person's presence or support;
- 1521 (vi) displaying or wearing common gang apparel, common dress, or identifying signs
1522 or symbols on one's clothing, person, or personal property that is disruptive to the school
1523 environment; and
- 1524 (vii) communicating in any method, including verbal, non-verbal, and electronic
1525 means, designed to convey gang membership or affiliation.
- 1526 (3) The rules described in Subsection (1) may require a local school board or governing
1527 board of a charter school to publicize the policies enacted by the local school board or
1528 governing board of a charter school in accordance with the rules described in Subsection (1) to
1529 all students, parents, guardians, and faculty through school websites, handbooks, letters to
1530 parents and guardians, or other reasonable means of communication.
- 1531 (4) The State Board of Education may consult with appropriate committees, including
1532 committees that provide opportunities for the input of parents, law enforcement, and
1533 community agencies, as it develops, enacts, and administers the rules described in Subsection
1534 (1).

1535 Section 33. Section **53E-3-510**, which is renumbered from Section 53A-19-201 is
1536 renumbered and amended to read:

1537 ~~[53A-19-201]~~. **53E-3-510. Control of school lunch revenues --**
1538 **Apportionment -- Costs.**

1539 (1) School lunch revenues shall be under the control of the State Board of Education
1540 and may only be disbursed, transferred, or drawn upon by its order. The revenue may only be
1541 used to provide school lunches and a school lunch program in the state's school districts in
1542 accordance with standards established by the board.

1543 (2) The board shall apportion the revenue according to the number of school children

1544 receiving school lunches in each school district. The State Board of Education and local school
1545 boards shall employ staff to administer and supervise the school lunch program and purchase
1546 supplies and equipment.

1547 (3) The costs of the school lunch program shall be included in the state board's annual
1548 budget.

1549 Section 34. Section **53E-3-511**, which is renumbered from Section 53A-1-413 is
1550 renumbered and amended to read:

1551 ~~[53A-1-413]~~. **53E-3-511**. **Student Achievement Backpack -- Utah Student**
1552 **Record Store.**

1553 (1) As used in this section:

1554 (a) "Authorized LEA user" means a teacher or other person who is:

1555 (i) employed by an LEA that provides instruction to a student; and

1556 (ii) authorized to access data in a Student Achievement Backpack through the Utah
1557 Student Record Store.

1558 (b) "LEA" means a school district, charter school, or the Utah Schools for the Deaf and
1559 the Blind.

1560 (c) "Statewide assessment" means the same as that term is defined in Section

1561 ~~[53A-1-602]~~ 53E-4-301.

1562 (d) "Student Achievement Backpack" means, for a student from kindergarten through
1563 grade 12, a complete learner profile that:

1564 (i) is in electronic format;

1565 (ii) follows the student from grade to grade and school to school; and

1566 (iii) is accessible by the student's parent or guardian or an authorized LEA user.

1567 (e) "Utah Student Record Store" means a repository of student data collected from
1568 LEAs as part of the state's longitudinal data system that is:

1569 (i) managed by the State Board of Education;

1570 (ii) cloud-based; and

1571 (iii) accessible via a web browser to authorized LEA users.

1572 (2) (a) The State Board of Education shall use the State Board of Education's robust,
1573 comprehensive data collection system, which collects longitudinal student transcript data from
1574 LEAs and the unique student identifiers as described in Section ~~[53A-1-603.5]~~ 53E-4-308, to

1575 allow the following to access a student's Student Achievement Backpack:

1576 (i) the student's parent or guardian; and

1577 (ii) each LEA that provides instruction to the student.

1578 (b) The State Board of Education shall ensure that a Student Achievement Backpack:

1579 (i) provides a uniform, transparent reporting mechanism for individual student
1580 progress;

1581 (ii) provides a complete learner history for postsecondary planning;

1582 (iii) provides a teacher with visibility into a student's complete learner profile to better
1583 inform instruction and personalize education;

1584 (iv) assists a teacher or administrator in diagnosing a student's learning needs through
1585 the use of data already collected by the State Board of Education;

1586 (v) facilitates a student's parent or guardian taking an active role in the student's
1587 education by simplifying access to the student's complete learner profile; and

1588 (vi) serves as additional disaster mitigation for LEAs by using a cloud-based data
1589 storage and collection system.

1590 (3) Using existing information collected and stored in the State Board of Education's
1591 data warehouse, the State Board of Education shall create the Utah Student Record Store where
1592 an authorized LEA user may:

1593 (a) access data in a Student Achievement Backpack relevant to the user's LEA or
1594 school; or

1595 (b) request student records to be transferred from one LEA to another.

1596 (4) The State Board of Education shall implement security measures to ensure that:

1597 (a) student data stored or transmitted to or from the Utah Student Record Store is
1598 secure and confidential pursuant to the requirements of the Family Educational Rights and
1599 Privacy Act, 20 U.S.C. Sec. 1232g; and

1600 (b) an authorized LEA user may only access student data that is relevant to the user's
1601 LEA or school.

1602 (5) A student's parent or guardian may request the student's Student Achievement
1603 Backpack from the LEA or the school in which the student is enrolled.

1604 (6) An authorized LEA user may access student data in a Student Achievement
1605 Backpack, which shall include the following data, or request that the data be transferred from

1606 one LEA to another:

1607 (a) student demographics;

1608 (b) course grades;

1609 (c) course history; and

1610 (d) results of a statewide assessment.

1611 (7) An authorized LEA user may access student data in a Student Achievement

1612 Backpack, which shall include the data listed in Subsections (6)(a) through (d) and the

1613 following data, or request that the data be transferred from one LEA to another:

1614 (a) section attendance;

1615 (b) the name of a student's teacher for classes or courses the student takes;

1616 (c) teacher qualifications for a student's teacher, including years of experience, degree,

1617 license, and endorsement;

1618 (d) results of statewide assessments;

1619 (e) a student's writing sample that is written for a writing assessment administered

1620 pursuant to Section [~~53A-1-604~~] 53E-4-303;

1621 (f) student growth scores on a statewide assessment, as applicable;

1622 (g) a school's grade assigned pursuant to [~~Part 11~~] Chapter 5, Part 2, School

1623 Accountability System;

1624 (h) results of benchmark assessments of reading administered pursuant to Section

1625 [~~53A-1-606.6~~] 53E-4-307; and

1626 (i) a student's reading level at the end of grade 3.

1627 (8) No later than June 30, 2017, the State Board of Education shall ensure that data

1628 collected in the Utah Student Record Store for a Student Achievement Backpack is integrated

1629 into each LEA's student information system and is made available to a student's parent or

1630 guardian and an authorized LEA user in an easily accessible viewing format.

1631 Section 35. Section **53E-3-512**, which is renumbered from Section 53A-1-402.5 is

1632 renumbered and amended to read:

1633 [~~53A-1-402.5~~]. **53E-3-512. State board rules establishing basic ethical**

1634 **conduct standards -- Local school board policies.**

1635 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

1636 State Board of Education shall make rules that establish basic ethical conduct standards for

1637 public education employees who provide education-related services outside of their regular
1638 employment to their current or prospective public school students.

1639 (2) The rules shall provide that a local school board may adopt policies implementing
1640 the standards and addressing circumstances present in the district.

1641 Section 36. Section **53E-3-513**, which is renumbered from Section 53A-1a-105.5 is
1642 renumbered and amended to read:

1643 ~~[53A-1a-105.5]~~. **53E-3-513. Parental permission required for specified**
1644 **in-home programs -- Exceptions.**

1645 (1) The State Board of Education, local school boards, school districts, and public
1646 schools are prohibited from requiring infant or preschool in-home literacy or other educational
1647 or parenting programs without obtaining parental permission in each individual case.

1648 (2) This section does not prohibit the Division of Child and Family Services, within the
1649 Department of Human Services, from providing or arranging for family preservation or other
1650 statutorily provided services in accordance with Title 62A, Chapter 4a, Child and Family
1651 Services, or any other in-home services that have been court ordered, pursuant to Title 62A,
1652 Chapter 4a, Child and Family Services, or Title 78A, Chapter 6, Juvenile Court Act ~~[of 1996]~~.

1653 Section 37. Section **53E-3-514**, which is renumbered from Section 53A-16-101.6 is
1654 renumbered and amended to read:

1655 ~~[53A-16-101.6]~~. **53E-3-514. Creation of School Children's Trust Section --**
1656 **Duties.**

1657 (1) As used in this section:

1658 (a) "School and institutional trust lands" is as defined in Section 53C-1-103.

1659 (b) "Section" means the School Children's Trust Section created in this section.

1660 (c) "Trust" means:

1661 (i) the School LAND Trust Program created in Section ~~[53A-16-101.5]~~ 53F-2-404; and

1662 (ii) the lands and funds associated with the trusts described in Subsection
1663 53C-1-103(7).

1664 (2) There is established a School Children's Trust Section under the State Board of
1665 Education.

1666 (3) (a) The section shall have a director.

1667 (b) The director shall have professional qualifications and expertise in the areas

1668 generating revenue to the trust, including:

- 1669 (i) economics;
- 1670 (ii) energy development;
- 1671 (iii) finance;
- 1672 (iv) investments;
- 1673 (v) public education;
- 1674 (vi) real estate;
- 1675 (vii) renewable resources;
- 1676 (viii) risk management; and
- 1677 (ix) trust law.

1678 (c) The director shall be appointed as provided in this Subsection (3).

1679 (d) The School and Institutional Trust Lands Board of Trustees nominating committee
1680 shall submit to the State Board of Education the name of one person to serve as director.

1681 (e) The State Board of Education may:

- 1682 (i) appoint the person described in Subsection (3)(d) to serve as director; or
- 1683 (ii) deny the appointment of the person described in Subsection (3)(d) to serve as
1684 director.

1685 (f) If the State Board of Education denies an appointment under this Subsection (3):

- 1686 (i) the State Board of Education shall provide in writing one or more reasons for the
1687 denial to the School and Institutional Trust Lands Board of Trustees nominating committee;
- 1688 and

1689 (ii) the School and Institutional Trust Lands Board of Trustees nominating committee
1690 and the State Board of Education shall follow the procedures and requirements of this
1691 Subsection (3) until the State Board of Education appoints a director.

1692 (g) The State Board of Education may remove the director only by majority vote of a
1693 quorum in an open and public meeting after proper notice and the inclusion of the removal item
1694 on the agenda.

1695 (4) The State Board of Education shall make rules regarding:

- 1696 (a) regular reporting from the School Children's Trust Section director to the State
1697 Board of Education, to allow the State Board of Education to fulfill its duties in representing
1698 the trust beneficiaries; and

- 1699 (b) the day-to-day reporting of the School Children's Trust Section director.
- 1700 (5) (a) The director shall annually submit a proposed section budget to the State Board
1701 of Education.
- 1702 (b) After approving a section budget, the State Board of Education shall propose the
1703 approved budget to the Legislature.
- 1704 (6) The director is entitled to attend any presentation, discussion, meeting, or other
1705 gathering concerning the trust, subject to:
- 1706 (a) provisions of law prohibiting the director's attendance to preserve confidentiality; or
1707 (b) other provisions of law that the director's attendance would violate.
- 1708 (7) The section shall have a staff.
- 1709 (8) The section shall protect current and future beneficiary rights and interests in the
1710 trust consistent with the state's perpetual obligations under:
- 1711 (a) the Utah Enabling Act;
1712 (b) the Utah Constitution;
1713 (c) state statute; and
1714 (d) standard trust principles described in Section 53C-1-102.
- 1715 (9) The section shall promote:
- 1716 (a) productive use of school and institutional trust lands; and
1717 (b) the efficient and prudent investment of funds managed by the School and
1718 Institutional Trust Fund Office, created in Section 53D-1-201.
- 1719 (10) The section shall provide representation, advocacy, and input:
- 1720 (a) on behalf of current and future beneficiaries of the trust, school community
1721 councils, schools, and school districts;
- 1722 (b) on federal, state, and local land decisions and policies that affect the trust; and
1723 (c) to:
- 1724 (i) the School and Institutional Trust Lands Administration;
1725 (ii) the School and Institutional Trust Lands Board of Trustees;
1726 (iii) the Legislature;
1727 (iv) the School and Institutional Trust Fund Office, created in Section 53D-1-201;
1728 (v) the School and Institutional Trust Fund Board of Trustees, created in Section
1729 53D-1-301;

1730 (vi) the attorney general;

1731 (vii) the public; and

1732 (viii) other entities as determined by the section.

1733 (11) The section shall provide independent oversight on the prudent and profitable
1734 management of the trust and report annually to the State Board of Education and the
1735 Legislature.

1736 (12) The section shall provide information requested by a person or entity described in
1737 Subsections (10)(c)(i) through (vii).

1738 (13) (a) The section shall provide training to the entities described in Subsection
1739 (13)(b) on:

1740 (i) the School LAND Trust Program established in Section [~~53A-16-101.5~~] 53F-2-404;
1741 and

1742 (ii) (A) a school community council established pursuant to Section [~~53A-1a-108~~]
1743 53G-7-1202; or

1744 (B) a charter trust land council established under Section [~~53A-16-101.5~~] 53F-2-404.

1745 (b) The section shall provide the training to:

1746 (i) a local school board or a charter school governing board;

1747 (ii) a school district or a charter school; and

1748 (iii) a school community council.

1749 (14) The section shall annually:

1750 (a) review each school's compliance with applicable law, including rules adopted by
1751 the State Board of Education; and

1752 (b) report findings to the State Board of Education.

1753 Section 38. Section **53E-3-515 (Effective 01/01/18)**, which is renumbered from
1754 Section 53A-15-206 (Effective 01/01/18) is renumbered and amended to read:

1755 [~~53A-15-206 (Effective 01/01/18)~~]. **53E-3-515 (Effective**

1756 **01/01/18). Hospitality and Tourism Management Career and Technical Education Pilot**
1757 **Program.**

1758 (1) As used in this section:

1759 (a) "Board" means the State Board of Education.

1760 (b) "Local education agency" means a school district or charter school.

1761 (c) "Pilot program" means the Hospitality and Tourism Management Career and
1762 Technical Education Pilot Program created under Subsection (2).

1763 (2) There is created a Hospitality and Tourism Management Career and Technical
1764 Education Pilot Program to provide instruction that a local education agency may offer to a
1765 student in any of grades 9 through 12 on:

1766 (a) the information and skills required for operational level employee positions in
1767 hospitality and tourism management, including:

1768 (i) hospitality soft skills;

1769 (ii) operational areas of the hospitality industry;

1770 (iii) sales and marketing; and

1771 (iv) safety and security; and

1772 (b) the leadership and managerial responsibilities, knowledge, and skills required by an
1773 entry-level leader in hospitality and tourism management, including:

1774 (i) hospitality leadership skills;

1775 (ii) operational leadership;

1776 (iii) managing food and beverage operations; and

1777 (iv) managing business operations.

1778 (3) The instruction described in Subsection (2) may be delivered in a public school
1779 using live instruction, video, or online materials.

1780 (4) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board
1781 shall select one or more providers to supply materials and curriculum for the pilot program.

1782 (b) The board may seek recommendations from trade associations and other entities
1783 that have expertise in hospitality and tourism management regarding potential providers of
1784 materials and curriculum for the pilot program.

1785 (5) (a) A local education agency may apply to the board to participate in the pilot
1786 program.

1787 (b) The board shall select participants in the pilot program.

1788 (c) A local education agency that participates in the pilot program shall use the
1789 materials and curriculum supplied by a provider selected under Subsection (4).

1790 (6) The board shall evaluate the pilot program and provide an annual written report to
1791 the Education Interim Committee and the Economic Development and Workforce Services

1792 Interim Committee on or before October 1 describing:

1793 (a) how many local education agencies and how many students are participating in the
1794 pilot program; and

1795 (b) any recommended changes to the pilot program.

1796 Section 39. Section **53E-3-601** is enacted to read:

1797 **Part 6. Audits**

1798 **53E-3-601. Definitions.**

1799 Reserved

1800 Section 40. Section **53E-3-602**, which is renumbered from Section 53A-1-404 is
1801 renumbered and amended to read:

1802 ~~[53A-1-404].~~ **53E-3-602. Auditors appointed -- Auditing standards.**

1803 (1) Procedures utilized by auditors employed by local school boards shall meet or
1804 exceed generally accepted auditing standards approved by the State Board of Education and the
1805 state auditor.

1806 (2) The standards must include financial accounting for both revenue and expenditures,
1807 and student accounting.

1808 Section 41. Section **53E-3-603**, which is renumbered from Section 53A-1-405 is
1809 renumbered and amended to read:

1810 ~~[53A-1-405].~~ **53E-3-603. State board to verify audits.**

1811 The State Board of Education is responsible for verifying audits of financial and student
1812 accounting records of school districts for purposes of determining the allocation of Uniform
1813 School Fund money.

1814 Section 42. Section **53E-3-701** is enacted to read:

1815 **Part 7. School Construction**

1816 **53E-3-701. Definitions.**

1817 Reserved

1818 Section 43. Section **53E-3-702**, which is renumbered from Section 53A-20-110 is
1819 renumbered and amended to read:

1820 ~~[53A-20-110].~~ **53E-3-702. Board to adopt public school construction**
1821 **guidelines.**

- 1822 (1) As used in this section:
- 1823 (a) "Board" means the State Board of Education.
- 1824 (b) "Public school construction" means construction work on a new public school.
- 1825 (2) (a) The board shall:
- 1826 (i) adopt guidelines for public school construction; and
- 1827 (ii) consult with the Division of Facilities Construction and Management
- 1828 Administration on proposed guidelines before adoption.
- 1829 (b) The board shall ensure that guidelines adopted under Subsection (2)(a)(i) maximize
- 1830 funds used for public school construction and reflect efficient and economic use of those funds,
- 1831 including adopting guidelines that address a school's essential needs rather than encouraging or
- 1832 endorsing excessive costs per square foot of construction or nonessential facilities, design, or
- 1833 furnishings.
- 1834 (3) Before a school district or charter school may begin public school construction, the
- 1835 school district or charter school shall:
- 1836 (a) review the guidelines adopted by the board under this section; and
- 1837 (b) take into consideration the guidelines when planning the public school
- 1838 construction.
- 1839 (4) In adopting the guidelines for public school construction, the board shall consider
- 1840 the following and adopt alternative guidelines as needed:
- 1841 (a) location factors, including whether the school is in a rural or urban setting, and
- 1842 climate factors;
- 1843 (b) variations in guidelines for significant or minimal projected student population
- 1844 growth;
- 1845 (c) guidelines specific to schools that serve various populations and grades, including
- 1846 high schools, junior high schools, middle schools, elementary schools, alternative schools, and
- 1847 schools for people with disabilities; and
- 1848 (d) year-round use.
- 1849 (5) The guidelines shall address the following:
- 1850 (a) square footage per student;
- 1851 (b) minimum and maximum required real property for a public school;
- 1852 (c) athletic facilities and fields, playgrounds, and hard surface play areas;

- 1853 (d) cost per square foot;
1854 (e) minimum and maximum qualities and costs for building materials;
1855 (f) design efficiency;
1856 (g) parking;
1857 (h) furnishing;
1858 (i) proof of compliance with applicable building codes; and
1859 (j) safety.

1860 Section 44. Section **53E-3-703**, which is renumbered from Section 53A-20-101 is
1861 renumbered and amended to read:

1862 ~~[53A-20-101]~~. **53E-3-703**. **Construction and alteration of schools and plants**
1863 **-- Advertising for bids -- Payment and performance bonds -- Contracts -- Bidding**
1864 **limitations on local school boards -- Interest of local school board members.**

1865 (1) As used in this section, the word "sealed" does not preclude acceptance of
1866 electronically sealed and submitted bids or proposals in addition to bids or proposals manually
1867 sealed and submitted.

1868 (2) (a) Prior to the construction of any school or the alteration of any existing school
1869 plant, if the total estimated accumulative building project cost exceeds \$80,000, a local school
1870 board shall advertise for bids on the project at least 10 days before the bid due date.

1871 (b) The advertisement shall state:

1872 (i) that proposals for the building project are required to be sealed in accordance with
1873 plans and specifications provided by the local school board;

1874 (ii) where and when the proposals will be opened;

1875 (iii) that the local school board reserves the right to reject any and all proposals; and

1876 (iv) that a person that submits a proposal is required to submit a certified check or bid
1877 bond, of not less than 5% of the bid in the proposal, to accompany the proposal.

1878 (c) The local school board shall publish the advertisement, at a minimum:

1879 (i) on the local school board's website; or

1880 (ii) on a state website that is:

1881 (A) owned or managed by, or provided under contract with, the Division of Purchasing
1882 and General Services; and

1883 (B) available for the posting of public procurement notices.

1884 (3) (a) The board shall meet at the time and place specified in the advertisement and
1885 publicly open and read all received proposals.

1886 (b) If satisfactory bids are received, the board shall award the contract to the lowest
1887 responsible bidder.

1888 (c) If none of the proposals are satisfactory, all shall be rejected.

1889 (d) The board shall again advertise in the manner provided in this section.

1890 (e) If, after advertising a second time no satisfactory bid is received, the board may
1891 proceed under its own direction with the required project.

1892 (4) (a) The check or bond required under Subsection (2)(b) shall be drawn in favor of
1893 the local school board.

1894 (b) If the successful bidder fails or refuses to enter into the contract and furnish the
1895 additional bonds required under this section, then the bidder's check or bond is forfeited to the
1896 district.

1897 (5) A local school board shall require payment and performance bonds of the
1898 successful bidder as required in Section 63G-6a-1103.

1899 (6) (a) A local school board may require in the proposed contract that up to 5% of the
1900 contract price be withheld until the project is completed and accepted by the board.

1901 (b) If money is withheld, the board shall place it in an interest bearing account, and the
1902 interest accrues for the benefit of the contractor and subcontractors.

1903 (c) This money shall be paid upon completion of the project and acceptance by the
1904 board.

1905 (7) (a) A local school board may not bid on projects within the district if the total
1906 accumulative estimated cost exceeds \$80,000.

1907 (b) The board may use its resources if no satisfactory bids are received under this
1908 section.

1909 (8) If the local school board determines in accordance with Section 63G-6a-1302 to use
1910 a construction manager/general contractor as its method of construction contracting
1911 management on projects where the total estimated accumulative cost exceeds \$80,000, it shall
1912 select the construction manager/general contractor in accordance with the requirements of Title
1913 63G, Chapter 6a, Utah Procurement Code.

1914 (9) A local school board member may not have a direct or indirect financial interest in

1915 the construction project contract.

1916 Section 45. Section **53E-3-704**, which is renumbered from Section 53A-20-101.5 is
1917 renumbered and amended to read:

1918 ~~[53A-20-101.5]~~. **53E-3-704**. **Restrictions on local school district procurement**
1919 **of architect-engineer services.**

1920 (1) As used in this section, "architect-engineer services" means those professional
1921 services within the scope of the practice of architecture as defined in Section 58-3a-102, or
1922 professional engineering as defined in Section 58-22-102.

1923 (2) When a local school district elects to obtain architect or engineering services by
1924 using a competitive procurement process and has provided public notice of its competitive
1925 procurement process:

1926 (a) a higher education entity, or any part of one, may not submit a proposal in response
1927 to the state agency's competitive procurement process; and

1928 (b) the local school district may not award a contract to perform the architect or
1929 engineering services solicited in the competitive procurement process to a higher education
1930 entity or any part of one.

1931 Section 46. Section **53E-3-705**, which is renumbered from Section 53A-20-103 is
1932 renumbered and amended to read:

1933 ~~[53A-20-103]~~. **53E-3-705**. **School plant capital outlay report.**

1934 (1) The State Board of Education shall prepare an annual school plant capital outlay
1935 report of all school districts, which includes information on the number and size of building
1936 projects completed and under construction.

1937 (2) A school district or charter school shall prepare and submit an annual school plant
1938 capital outlay report in accordance with Section 63A-3-402.

1939 Section 47. Section **53E-3-706**, which is renumbered from Section 53A-20-104 is
1940 renumbered and amended to read:

1941 ~~[53A-20-104]~~. **53E-3-706**. **Enforcement of part by state superintendent --**
1942 **Employment of personnel -- School districts and charter schools -- Certificate of**
1943 **inspection verification.**

1944 (1) The state superintendent of public instruction shall enforce this [chapter] part.

1945 (2) The superintendent may employ architects or other qualified personnel, or contract

1946 with the State Building Board, the state fire marshal, or a local governmental entity to:

1947 (a) examine the plans and specifications of any school building or alteration submitted
1948 under this [~~chapter~~] part;

1949 (b) verify the inspection of any school building during or following construction; and

1950 (c) perform other functions necessary to ensure compliance with this [~~chapter~~] part.

1951 (3) (a) (i) If a local school board uses the school district's building inspector under
1952 Subsection 10-9a-305(6)(a)(ii) or 17-27a-305(6)(a)(ii) and issues its own certificate authorizing
1953 permanent occupancy of the school building, the local school board shall file a certificate of
1954 inspection verification with the local governmental entity's building official and the State
1955 Board of Education, advising those entities that the school district has complied with the
1956 inspection provisions of this [~~chapter~~] part.

1957 (ii) If a charter school uses a school district building inspector under Subsection
1958 10-9a-305(6)(a)(ii) or 17-27a-305(6)(a)(ii) and the school district issues to the charter school a
1959 certificate authorizing permanent occupancy of the school building, the charter school shall file
1960 with the State Board of Education a certificate of inspection verification.

1961 (iii) If a local school board or charter school uses a local governmental entity's building
1962 inspector under Subsection 10-9a-305(6)(a)(i) or 17-27a-305(6)(a)(i) and the local
1963 governmental entity issues the local school board or charter school a certificate authorizing
1964 permanent occupancy of the school building, the local school board or charter school shall file
1965 with the State Board of Education a certificate of inspection verification.

1966 (iv) (A) If a local school board or charter school uses an independent, certified building
1967 inspector under Subsection 10-9a-305(6)(a)(iii) or 17-27a-305(6)(a)(iii), the local school board
1968 or charter school shall, upon completion of all required inspections of the school building, file
1969 with the State Board of Education a certificate of inspection verification and a request for the
1970 issuance of a certificate authorizing permanent occupancy of the school building.

1971 (B) Upon the local school board's or charter school's filing of the certificate and request
1972 as provided in Subsection (3)(a)(iv)(A), the school district or charter school shall be entitled to
1973 temporary occupancy of the school building that is the subject of the request for a period of 90
1974 days, beginning the date the request is filed, if the school district or charter school has
1975 complied with all applicable fire and life safety code requirements.

1976 (C) Within 30 days after the local school board or charter school files a request under

1977 Subsection (3)(a)(iv)(A) for a certificate authorizing permanent occupancy of the school
1978 building, the state superintendent of public instruction shall:

1979 (I) (Aa) issue to the local school board or charter school a certificate authorizing
1980 permanent occupancy of the school building; or

1981 (Bb) deliver to the local school board or charter school a written notice indicating
1982 deficiencies in the school district's or charter school's compliance with the inspection
1983 provisions of this ~~chapter~~ part; and

1984 (II) mail a copy of the certificate authorizing permanent occupancy or the notice of
1985 deficiency to the building official of the local governmental entity in which the school building
1986 is located.

1987 (D) Upon the local school board or charter school remedying the deficiencies indicated
1988 in the notice under Subsection (3)(a)(iv)(C)(I)(Bb) and notifying the state superintendent of
1989 public instruction that the deficiencies have been remedied, the state superintendent of public
1990 instruction shall issue a certificate authorizing permanent occupancy of the school building and
1991 mail a copy of the certificate to the building official of the local governmental entity in which
1992 the school building is located.

1993 (E) (I) The state superintendent of public instruction may charge the school district or
1994 charter school a fee for an inspection that the superintendent considers necessary to enable the
1995 superintendent to issue a certificate authorizing permanent occupancy of the school building.

1996 (II) A fee under Subsection (3)(a)(iv)(E)(I) may not exceed the actual cost of
1997 performing the inspection.

1998 (b) For purposes of this Subsection (3):

1999 (i) "local governmental entity" means either a municipality, for a school building
2000 located within a municipality, or a county, for a school building located within an
2001 unincorporated area in the county; and

2002 (ii) "certificate of inspection verification" means a standard inspection form developed
2003 by the state superintendent in consultation with local school boards and charter schools to
2004 verify that inspections by qualified inspectors have occurred.

2005 Section 48. Section **53E-3-707**, which is renumbered from Section 53A-20-104.5 is
2006 renumbered and amended to read:

2007 ~~[53A-20-104.5]~~. **53E-3-707. School building construction and inspection**

2008 **manual -- Annual construction and inspection conference -- Verification of school**
2009 **construction inspections.**

2010 (1) (a) The State Board of Education, through the state superintendent of public
2011 instruction, shall develop and distribute to each school district a school building construction
2012 and inspection resource manual.

2013 (b) The manual shall be provided to a charter school upon request of the charter school.

2014 (2) (a) The manual shall include:

2015 (i) current legal requirements; and

2016 (ii) information on school building construction and inspections, including the

2017 guidelines adopted by the State Board of Education in accordance with Section [~~53A-20-110~~]
2018 53E-3-702.

2019 (b) The state superintendent shall review and update the manual at least once every
2020 three years.

2021 (3) The board shall provide for an annual school construction conference to allow a
2022 representative from each school district and charter school to:

2023 (a) receive current information on the design, construction, and inspection of school
2024 buildings;

2025 (b) receive training on such matters as:

2026 (i) using properly certified building inspectors;

2027 (ii) filing construction inspection summary reports and the final inspection certification
2028 with the local governmental authority's building official;

2029 (iii) the roles and relationships between a school district or charter school and the local
2030 governmental authority, either a county or municipality, as related to the construction and
2031 inspection of school buildings; and

2032 (iv) adequate documentation of school building inspections; and

2033 (c) provide input on any changes that may be needed to improve the existing school
2034 building inspection program.

2035 (4) The board shall develop a process to verify that inspections by qualified inspectors
2036 occur in each school district or charter school.

2037 Section 49. Section **53E-3-708**, which is renumbered from Section 53A-20-105 is
2038 renumbered and amended to read:

2039 ~~[53A-20-105]~~. **53E-3-708. Licensed architect to prepare plans.**

2040 A licensed architect shall prepare the plans and specifications for the construction or
2041 alteration of school buildings.

2042 Section 50. Section **53E-3-709**, which is renumbered from Section 53A-20-106 is
2043 renumbered and amended to read:

2044 ~~[53A-20-106]~~. **53E-3-709. Power of board regarding expected federal aid to
2045 build schools.**

2046 For the purpose of participating in any program of assistance by the government of the
2047 United States designed to aid the various states, their political subdivisions and their
2048 educational agencies and institutions in providing adequate educational buildings and facilities,
2049 the State Board of Education, with the approval of the governor, may do the following:

2050 (1) It may develop and implement plans relating to the building of educational
2051 buildings for the use and benefit of school districts and educational institutions and agencies of
2052 the state. These plans may conform to the requirements of federal legislation to such extent as
2053 the board finds necessary to qualify the state and its educational subdivisions, agencies, and
2054 institutions for federal educational building grants-in-aid.

2055 (2) It may enter into agreements on behalf of the state, its school districts, and its
2056 educational agencies and institutions with the federal government and its agencies, and with the
2057 school districts, educational agencies, and institutions of the state, as necessary to comply with
2058 federal legislation and to secure for them rights of participation as necessary to fulfill the
2059 educational building needs of the state.

2060 (3) It may accept, allocate, disburse, and otherwise deal with federal funds or other
2061 assets that are available for buildings from any federal legislation or program of assistance
2062 among the school districts, public educational agencies, and other public institutions eligible to
2063 participate in those programs.

2064 Section 51. Section **53E-3-710**, which is renumbered from Section 53A-20-108 is
2065 renumbered and amended to read:

2066 ~~[53A-20-108]~~. **53E-3-710. Notification to affected entities of intent to
2067 acquire school site or construction of school building -- Local government -- Negotiation
2068 of fees -- Confidentiality.**

2069 (1) (a) A school district or charter school shall notify the following without delay prior

2070 to the acquisition of a school site or construction of a school building of the school district's or
2071 charter school's intent to acquire or construct:

2072 (i) an affected local governmental entity;

2073 (ii) the Department of Transportation; and

2074 (iii) as defined in Section 54-2-1, an electrical corporation, gas corporation, or
2075 telephone corporation that provides service or maintains infrastructure within the immediate
2076 area of the proposed site.

2077 (b) (i) Representatives of the local governmental entity, Department of Transportation,
2078 and the school district or charter school shall meet as soon as possible after the notification
2079 under Subsection (1)(a) takes place in order to:

2080 (A) subject to Subsection (1)(b)(ii), review information provided by the school district
2081 or charter school about the proposed acquisition;

2082 (B) discuss concerns that each may have, including potential community impacts and
2083 site safety;

2084 (C) assess the availability of infrastructure for the site; and

2085 (D) discuss any fees that might be charged by the local governmental entity in
2086 connection with a building project.

2087 (ii) The school district or charter school shall provide for review under Subsection
2088 (1)(b)(i) the following information, if available, regarding the proposed acquisition:

2089 (A) potential community impacts;

2090 (B) approximate lot size;

2091 (C) approximate building size and use;

2092 (D) estimated student enrollment;

2093 (E) proposals for ingress and egress, parking, and fire lane location; and

2094 (F) building footprint and location.

2095 (2) (a) After the purchase or an acquisition, but before construction begins:

2096 (i) representatives of the local governmental entity and the school district or charter
2097 school shall meet as soon as possible to review a rough proposed site plan provided by the
2098 school district or charter school, review the information listed in Subsection (1)(b)(ii), and
2099 negotiate any fees that might be charged by the local governmental entity in connection with a
2100 building project;

2101 (ii) (A) the school district or charter school shall submit the rough proposed site plan to
2102 the local governmental entity's design review committee for comments; and

2103 (B) subject to the priority requirement of Subsection 10-9a-305(7)(b), the local
2104 governmental entity's design review committee shall provide comments on the rough proposed
2105 site plan to the school district or charter school no later than 30 days after the day that the plan
2106 is submitted to the design review committee in accordance with this Subsection (2)(a)(ii); and

2107 (iii) the local governmental entity may require that the school district or charter school
2108 provide a traffic study by an independent third party qualified to perform the study if the local
2109 governmental entity determines that traffic flow, congestion, or other traffic concerns may
2110 require the study if otherwise permitted under Subsection 10-9a-305(3)(b).

2111 (b) A review conducted by or comment provided by a local governmental entity design
2112 review committee under Subsection (2)(a) may not be interpreted as an action that completes a
2113 land use application for the purpose of entitling the school district or charter school to a
2114 substantive land use review of a land use application under Section 10-9a-509 or 17-27a-508.

2115 (3) A local governmental entity may not increase a previously agreed-upon fee after the
2116 district or charter school has signed contracts to begin construction.

2117 (4) Prior to the filing of a formal application by the affected school district or charter
2118 school, a local governmental entity may not disclose information obtained from a school
2119 district or charter school regarding the district's or charter school's consideration of, or intent to,
2120 acquire a school site or construct a school building, without first obtaining the consent of the
2121 district or charter school.

2122 (5) Prior to beginning construction on a school site, a school district or charter school
2123 shall submit to the Department of Transportation a child access routing plan as described in
2124 Section [~~53A-3-402~~] 53G-4-402.

2125 Section 52. Section **53E-3-711**, which is renumbered from Section 53A-20-109 is
2126 renumbered and amended to read:

2127 ~~[53A-20-109]~~. **53E-3-711**. **Required contract terms.**

2128 A contract for the construction of a school building shall contain a clause that addresses
2129 the rights of the parties when, after the contract is executed, site conditions are discovered that:

2130 (1) the contractor did not know existed, and could not have reasonably known existed,
2131 at the time that the contract was executed; and

2132 (2) materially impacts the costs of construction.

2133 Section 53. Section **53E-3-801**, which is renumbered from Section 53A-1-902 is

2134 renumbered and amended to read:

2135 **Part 8. Implementing Federal or National Education Programs**

2136 **[53A-1-902]. 53E-3-801. Definitions.**

2137 As used in this part:

2138 (1) (a) "Cost" means an estimation of state and local money required to implement a
2139 federal education agreement or national program.

2140 (b) "Cost" does not include capital costs associated with implementing a federal
2141 education agreement or national program.

2142 (2) "Education entities" means the entities that may bear the state and local costs of
2143 implementing a federal program or national program, including:

2144 (a) the State Board of Education;

2145 (b) the state superintendent of public instruction;

2146 (c) a local school board;

2147 (d) a school district and its schools;

2148 (e) a charter school governing board; and

2149 (f) a charter school.

2150 (3) "Federal education agreement" means a legally binding document or representation
2151 that requires a school official to implement a federal program or set of requirements that
2152 originates from the U.S. Department of Education and that has, as a primary focus, an impact
2153 on the educational services at a district or charter school.

2154 (4) "Federal programs" include:

2155 (a) the No Child Left Behind Act;

2156 (b) the Individuals with Disabilities Education Act Amendments of 1997, Public Law
2157 105-17, and subsequent amendments; and

2158 (c) other federal educational programs.

2159 (5) "National program" means a national or multi-state education program, agreement,
2160 or standards that:

2161 (a) originated from, or were received directly or indirectly from, a national or
2162 multi-state organization, coalition, or compact;

2163 (b) have, as a primary focus, an impact on the educational services at a public school;

2164 and

2165 (c) are adopted by the State Board of Education or state superintendent of public
2166 instruction with the intent to cause a local school official to implement the national or
2167 multi-state education program, agreement, or standards.

2168 (6) "No Child Left Behind Act" means the No Child Left Behind Act of 2001, 20
2169 U.S.C. Sec. 6301 et seq.

2170 (7) "School official" includes:

2171 (a) the State Board of Education;

2172 (b) the state superintendent;

2173 (c) employees of the State Board of Education and the state superintendent;

2174 (d) local school boards;

2175 (e) school district superintendents and employees; and

2176 (f) charter school board members, administrators, and employees.

2177 Section 54. Section **53E-3-802**, which is renumbered from Section 53A-1-903 is
2178 renumbered and amended to read:

2179 ~~[53A-1-903]~~. **53E-3-802. Federal programs -- School official duties.**

2180 (1) School officials may:

2181 (a) apply for, receive, and administer funds made available through programs of the
2182 federal government;

2183 (b) only expend federal funds for the purposes for which they are received and are
2184 accounted for by the state, school district, or charter school; and

2185 (c) reduce or eliminate a program created with or expanded by federal funds to the
2186 extent allowed by law when federal funds for that program are subsequently reduced or
2187 eliminated.

2188 (2) School officials shall:

2189 (a) prioritize resources, especially to resolve conflicts between federal provisions or
2190 between federal and state programs, including:

2191 (i) providing first priority to meeting state goals, objectives, program needs, and
2192 accountability systems as they relate to federal programs; and

2193 (ii) subject to Subsection (4), providing second priority to implementing federal goals,

- 2194 objectives, program needs, and accountability systems that do not directly and simultaneously
2195 advance state goals, objectives, program needs, and accountability systems;
- 2196 (b) interpret the provisions of federal programs in the best interest of students in this
2197 state;
- 2198 (c) maximize local control and flexibility;
- 2199 (d) minimize additional state resources that are diverted to implement federal programs
2200 beyond the federal money that is provided to fund the programs;
- 2201 (e) request changes to federal educational programs, especially programs that are
2202 underfunded or provide conflicts with other state or federal programs, including:
- 2203 (i) federal statutes;
- 2204 (ii) federal regulations; and
- 2205 (iii) other federal policies and interpretations of program provisions; and
- 2206 (f) seek waivers from all possible federal statutes, requirements, regulations, and
2207 program provisions from federal education officials to:
- 2208 (i) maximize state flexibility in implementing program provisions; and
- 2209 (ii) receive reasonable time to comply with federal program provisions.
- 2210 (3) The requirements of school officials under this part, including the responsibility to
2211 lobby federal officials, are not intended to mandate school officials to incur costs or require the
2212 hiring of lobbyists, but are intended to be performed in the course of school officials' normal
2213 duties.
- 2214 (4) (a) As used in this Subsection (4):
- 2215 (i) "Available Education Fund revenue surplus" means the Education Fund revenue
2216 surplus after the statutory transfers and set-asides described in Section 63J-1-313.
- 2217 (ii) "Education Fund revenue surplus" means the same as that term is defined in
2218 Section 63J-1-313.
- 2219 (b) Before prioritizing the implementation of a future federal goal, objective, program
2220 need, or accountability system that does not directly and simultaneously advance a state goal,
2221 objective, program need, or accountability system, the State Board of Education may:
- 2222 (i) determine the financial impact of failure to implement the federal goal, objective,
2223 program need, or accountability system; and
- 2224 (ii) if the State Board of Education determines that failure to implement the federal

2225 goal, objective, program need, or accountability system may result in a financial loss, request
2226 that the Legislature mitigate the financial loss.

2227 (c) A mitigation requested under Subsection (4)(b)(ii) may include appropriating
2228 available Education Fund revenue surplus through an appropriations act, including an
2229 appropriations act passed during a special session called by the governor or a general session.

2230 (d) This mitigation option is in addition to and does not restrict or conflict with the
2231 state's authority provided in this part.

2232 Section 55. Section **53E-3-803**, which is renumbered from Section 53A-1-905 is
2233 renumbered and amended to read:

2234 ~~[53A-1-905].~~ **53E-3-803. Notice of voidableness of federal education**
2235 **agreements or national programs.**

2236 A federal education agreement or national program that may cost education entities
2237 more than \$500,000 annually from state and local money to implement, that is executed by a
2238 school official in violation of this part, is voidable by the governor or the Legislature as
2239 provided in this part.

2240 Section 56. Section **53E-3-804**, which is renumbered from Section 53A-1-906 is
2241 renumbered and amended to read:

2242 ~~[53A-1-906].~~ **53E-3-804. Governor to approve federal education**
2243 **agreements or national programs.**

2244 (1) Before legally binding the state by executing a federal education agreement or
2245 national program that may cost education entities more than \$500,000 annually from state and
2246 local money to implement, a school official shall submit the proposed federal education
2247 agreement or national program to the governor for the governor's approval or rejection.

2248 (2) The governor shall approve or reject each federal education agreement or national
2249 program.

2250 (3) (a) If the governor approves the federal education agreement or national program,
2251 the school official may execute the agreement.

2252 (b) If the governor rejects the federal education agreement or national program, the
2253 school official may not execute the agreement.

2254 (4) If a school official executes a federal education agreement or national program
2255 without obtaining the governor's approval under this section, the governor may issue an

2256 executive order declaring the federal education agreement or national program void.

2257 Section 57. Section **53E-3-805**, which is renumbered from Section 53A-1-907 is
2258 renumbered and amended to read:

2259 ~~[53A-1-907]~~. **53E-3-805. Legislative review and approval of federal**
2260 **education agreements or national programs.**

2261 (1) (a) Before legally binding the state by executing a federal education agreement or
2262 national program that may cost education entities more than \$1,000,000 annually from state
2263 and local money to implement, the school official shall:

2264 (i) submit the proposed federal education agreement or national program to the
2265 governor for the governor's approval or rejection as required by Section ~~[53A-1-906]~~
2266 53E-3-804; and

2267 (ii) if the governor approves the federal education agreement or national program,
2268 submit the federal education agreement to the Executive Appropriations Committee of the
2269 Legislature for its review and recommendations.

2270 (b) The Executive Appropriations Committee shall review the federal education
2271 agreement or national program and may:

2272 (i) recommend that the school official execute the federal education agreement or
2273 national program;

2274 (ii) recommend that the school official reject the federal education agreement or
2275 national program; or

2276 (iii) recommend to the governor that the governor call a special session of the
2277 Legislature to review and approve or reject the federal education agreement or national
2278 program.

2279 (2) (a) Before legally binding the state by executing a federal education agreement or
2280 national program that may cost education entities more than \$5,000,000 annually to implement,
2281 a school official shall:

2282 (i) submit the proposed federal education agreement or national program to the
2283 governor for the governor's approval or rejection as required by Section ~~[53A-1-906]~~
2284 53E-3-804; and

2285 (ii) if the governor approves the federal education agreement or national program,
2286 submit the federal education agreement or national program to the Legislature for its approval

2287 in an annual general session or a special session.

2288 (b) (i) If the Legislature approves the federal education agreement or national program,
2289 the school official may execute the agreement.

2290 (ii) If the Legislature rejects the federal education agreement or national program, the
2291 school official may not execute the agreement.

2292 (c) If a school official executes a federal education agreement or national program
2293 without obtaining the Legislature's approval under this Subsection (2):

2294 (i) the governor may issue an executive order declaring the federal education
2295 agreement or national program void; or

2296 (ii) the Legislature may pass a joint resolution declaring the federal education
2297 agreement or national program void.

2298 Section 58. Section **53E-3-806**, which is renumbered from Section 53A-1-908 is
2299 renumbered and amended to read:

2300 ~~[53A-1-908]~~. **53E-3-806**. **Cost evaluation of federal education agreements**
2301 **or national programs.**

2302 (1) Before legally binding the state to a federal education agreement or national
2303 program that may cost the state a total of \$500,000 or more to implement, a school official
2304 shall estimate the state and local cost of implementing the federal education agreement or
2305 national program and submit that cost estimate to the governor and the Executive
2306 Appropriations Committee of the Legislature.

2307 (2) The Executive Appropriations Committee may:

2308 (a) direct its staff to make an independent cost estimate of the cost of implementing the
2309 federal education agreement or national program; and

2310 (b) affirmatively adopt a cost estimate as the benchmark for determining which
2311 authorizations established by this part are necessary.

2312 Section 59. Section **53E-3-901**, which is renumbered from Section 53A-1-1000 is
2313 renumbered and amended to read:

2314 **Part 9. Interstate Compact on Educational Opportunity for Military Children**
2315 ~~[53A-1-1000]~~. **53E-3-901**. **Title -- Interstate Compact on Educational**
2316 **Opportunity for Military Children.**

2317 This part is known as the "Interstate Compact on Educational Opportunity for Military

2318 Children."

2319 Section 60. Section **53E-3-902**, which is renumbered from Section 53A-1-1001 is
2320 renumbered and amended to read:

2321 ~~[53A-1-1001]~~. **53E-3-902. Article I -- Purpose.**

2322 It is the purpose of this compact to remove barriers to educational success imposed on
2323 children of military families because of frequent moves and deployment of their parents by:

2324 (1) facilitating the timely enrollment of children of military families and ensuring that
2325 they are not placed at a disadvantage due to difficulty in the transfer of education records from
2326 the previous school district or variations in entrance or age requirements;

2327 (2) facilitating the student placement process through which children of military
2328 families are not disadvantaged by variations in attendance requirements, scheduling,
2329 sequencing, grading, course content, or assessment;

2330 (3) facilitating the qualification and eligibility for enrollment, educational programs,
2331 and participation in extracurricular academic, athletic, and social activities;

2332 (4) facilitating the on-time graduation of children of military families;

2333 (5) providing for the promulgation and enforcement of administrative rules
2334 implementing the provisions of this compact;

2335 (6) providing for the uniform collection and sharing of information between and among
2336 member states, schools, and military families under this compact;

2337 (7) promoting coordination between this compact and other compacts affecting military
2338 children; and

2339 (8) promoting flexibility and cooperation between the educational system, parents, and
2340 the student in order to achieve educational success for the student.

2341 Section 61. Section **53E-3-903**, which is renumbered from Section 53A-1-1002 is
2342 renumbered and amended to read:

2343 ~~[53A-1-1002]~~. **53E-3-903. Article II -- Definitions.**

2344 As used in this compact, unless the context clearly requires a different construction:

2345 (1) "Active duty" means full-time duty status in the active uniformed service of the
2346 United States, including members of the National Guard and Reserve.

2347 (2) "Children of military families" means a school-aged child, enrolled in Kindergarten
2348 through Twelfth grade, in the household of an active duty member.

2349 (3) "Compact commissioner" means the voting representative of each compacting state
2350 appointed pursuant to Article VIII of this compact.

2351 (4) "Deployment" means the period one month prior to the service member's departure
2352 from their home station on military orders through six months after return to their home station.

2353 (5) "Education" or "educational records" means those official records, files, and data
2354 directly related to a student and maintained by the school or local education agency, including
2355 but not limited to records encompassing all the material kept in the student's cumulative folder
2356 such as general identifying data, records of attendance and of academic work completed,
2357 records of achievement and results of evaluative tests, health data, disciplinary status, test
2358 protocols, and individualized education programs.

2359 (6) "Extracurricular activities" means a voluntary activity sponsored by the school or
2360 local education agency or an organization sanctioned by the local education agency.
2361 Extracurricular activities include, but are not limited to, preparation for and involvement in
2362 public performances, contests, athletic competitions, demonstrations, displays, and club
2363 activities.

2364 (7) "Interstate Commission on Educational Opportunity for Military Children" means
2365 the commission that is created in Section [~~53A-1-1009~~] 53E-3-910 and generally referred to as
2366 Interstate Commission.

2367 (8) "Local education agency" means a public authority legally constituted by the state
2368 as an administrative agency to provide control of and direction for Kindergarten through
2369 Twelfth grade public educational institutions.

2370 (9) "Member state" means a state that has enacted this compact.

2371 (10) "Military installation" means a base, camp, post, station, yard, center, homeport
2372 facility for any ship, or other activity under the jurisdiction of the Department of Defense,
2373 including any leased facility, which is located within any of the several states, the District of
2374 Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American
2375 Samoa, the Northern Mariana Islands, and any other U.S. Territory. The term does not include
2376 any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

2377 (11) "Non-member state" means a state that has not enacted this compact.

2378 (12) "Receiving state" means the state to which a child of a military family is sent,
2379 brought, or caused to be sent or brought.

2380 (13) "Rule" means a written statement by the Interstate Commission promulgated
2381 pursuant to Section [~~53A-1-1012~~] 53E-3-913 that is of general applicability, implements,
2382 interprets, or prescribes a policy or provision of the compact, or an organizational, procedural,
2383 or practice requirement of the Interstate Commission, and has the force and effect of a rule
2384 promulgated under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and includes
2385 the amendment, repeal, or suspension of an existing rule.

2386 (14) "Sending state" means the state from which a child of a military family is sent,
2387 brought, or caused to be sent or brought.

2388 (15) "State" means a state of the United States, the District of Columbia, the
2389 Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern
2390 Mariana Islands, and any other U.S. Territory.

2391 (16) "Student" means the child of a military family for whom the local education
2392 agency receives public funding and who is formally enrolled in Kindergarten through Twelfth
2393 grade.

2394 (17) "Transition" means:

2395 (a) the formal and physical process of transferring from school to school; or

2396 (b) the period of time in which a student moves from one school in the sending state to
2397 another school in the receiving state.

2398 (18) "Uniformed services" means the same as that term is defined in Section 68-3-12.5.

2399 (19) "Veteran" means a person who served in the uniformed services and who was
2400 discharged or released therefrom under conditions other than dishonorable.

2401 Section 62. Section **53E-3-904**, which is renumbered from Section 53A-1-1003 is
2402 renumbered and amended to read:

2403 ~~[53A-1-1003]~~. **53E-3-904. Article III -- Applicability.**

2404 (1) Except as otherwise provided in Subsection (3), this compact shall apply to the
2405 children of:

2406 (a) active duty members of the uniformed services as defined in this compact,
2407 including members of the National Guard and Reserve;

2408 (b) members or veterans of the uniformed services who are severely injured and
2409 medically discharged or retired for a period of one year after medical discharge or retirement;

2410 and

2411 (c) members of the uniformed services who die on active duty or as a result of injuries
2412 sustained on active duty for a period of one year after death.

2413 (2) The provisions of this interstate compact shall only apply to local education
2414 agencies as defined in this compact.

2415 (3) The provisions of this compact do not apply to the children of:

2416 (a) inactive members of the National Guard and military reserves;

2417 (b) members of the uniformed services now retired, except as provided in Subsection
2418 (1); and

2419 (c) veterans of the uniformed services, except as provided in Subsection (1), and other
2420 U.S. Department of Defense personnel and other federal agency civilian and contract
2421 employees not defined as active duty members of the uniformed services.

2422 Section 63. Section **53E-3-905**, which is renumbered from Section 53A-1-1004 is
2423 renumbered and amended to read:

2424 ~~[53A-1-1004]~~. **53E-3-905**. **Article IV -- Educational records and enrollment**
2425 **-- Immunizations -- Grade level entrance.**

2426 (1) Unofficial or "hand-carried" education records. In the event that official education
2427 records cannot be released to the parents for the purpose of transfer, the custodian of the
2428 records in the sending state shall prepare and furnish to the parent a complete set of unofficial
2429 educational records containing uniform information as determined by the Interstate
2430 Commission. Upon receipt of the unofficial education records by a school in the receiving
2431 state, the school shall enroll and appropriately place the student based on the information
2432 provided in the unofficial records pending validation by the official records, as quickly as
2433 possible.

2434 (2) Official education records or transcripts. Simultaneous with the enrollment and
2435 conditional placement of the student, the school in the receiving state shall request the student's
2436 official education record from the school in the sending state. Upon receipt of this request, the
2437 school in the sending state will process and furnish the official education records to the school
2438 in the receiving state within 10 days or within such time as is reasonably determined under the
2439 rules promulgated by the Interstate Commission.

2440 (3) Immunizations. Compacting states shall give 30 days from the date of enrollment or
2441 within such time as is reasonably determined under the rules promulgated by the Interstate

2442 Commission, for students to obtain any immunization required by the receiving state. For a
2443 series of immunizations, initial vaccinations must be obtained within 30 days or within such
2444 time as is reasonably determined under the rules promulgated by the Interstate Commission.

2445 (4) Kindergarten and First grade entrance age. Students shall be allowed to continue
2446 their enrollment at grade level in the receiving state commensurate with their grade level,
2447 including Kindergarten, from a local education agency in the sending state at the time of
2448 transition, regardless of age. A student that has satisfactorily completed the prerequisite grade
2449 level in the local education agency in the sending state shall be eligible for enrollment in the
2450 next highest grade level in the receiving state, regardless of age. Students transferring after the
2451 start of the school year in the receiving state shall enter the school in the receiving state on their
2452 validated level from an accredited school in the sending state.

2453 Section 64. Section **53E-3-906**, which is renumbered from Section 53A-1-1005 is
2454 renumbered and amended to read:

2455 **[53A-1-1005]. 53E-3-906. Article V -- Course placement -- Attendance --**
2456 **Special education services -- Flexibility -- Absences related to deployment.**

2457 (1) When the student transfers before or during the school year, the receiving state
2458 school shall initially honor placement of the student in educational courses based on the
2459 student's enrollment in the sending state school and/or educational assessments conducted at
2460 the school in the sending state if the courses are offered. Course placement includes but is not
2461 limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical, and
2462 career pathways courses. Continuing the student's academic program from the previous school
2463 and promoting placement in academically and career challenging courses should be paramount
2464 when considering placement. This does not preclude the school in the receiving state from
2465 performing subsequent evaluations to ensure appropriate placement and continued enrollment
2466 of the student in the course.

2467 (2) The receiving state school shall initially honor placement of the student in
2468 educational programs based on current educational assessments conducted at the school in the
2469 sending state or participation or placement in like programs in the sending state. Such programs
2470 include, but are not limited to gifted and talented programs and English as a Second Language
2471 (ESL). This does not preclude the school in the receiving state from performing subsequent
2472 evaluations to ensure appropriate placement of the student.

2473 (3) (a) In compliance with the federal requirements of the Individuals with Disabilities
2474 Education Act (IDEA), 20 U.S.C. Section 1400 et seq., the receiving state shall initially
2475 provide comparable services to a student with disabilities based on the student's current
2476 Individualized Education Program (IEP).

2477 (b) In compliance with the requirements of Section 504 of the Rehabilitation Act, 29
2478 U.S.C. Section 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.
2479 Sections 12131-12165, the receiving state shall make reasonable accommodations and
2480 modifications to address the needs of incoming students with disabilities, subject to an existing
2481 504 or Title II Plan, to provide the student with equal access to education. This does not
2482 preclude the school in the receiving state from performing subsequent evaluations to ensure
2483 appropriate placement of the student.

2484 (4) Local education agency administrative officials shall have flexibility in waiving
2485 course or program prerequisites, or other preconditions for placement, in courses or programs
2486 offered under the jurisdiction of the local education agency.

2487 (5) A student whose parent or legal guardian is an active duty member of the
2488 uniformed services, as defined by the compact, and has been called to duty for, is on leave
2489 from, or immediately returned from deployment to a combat zone or combat support posting,
2490 shall be granted additional excused absences at the discretion of the local education agency
2491 superintendent to visit with his or her parent or legal guardian relative to such leave or
2492 deployment of the parent or guardian.

2493 Section 65. Section **53E-3-907**, which is renumbered from Section 53A-1-1006 is
2494 renumbered and amended to read:

2495 **~~[53A-1-1006].~~ 53E-3-907. Article VI -- Eligibility -- Enrollment --**
2496 **Extracurricular activities.**

2497 (1) Special power of attorney, relative to the guardianship of a child of a military
2498 family and executed under applicable law, shall be sufficient for the purposes of enrollment
2499 and all other actions requiring parental participation and consent.

2500 (2) A local education agency shall be prohibited from charging local tuition to a
2501 transitioning military child placed in the care of a non-custodial parent or other person standing
2502 in loco parentis who lives in a jurisdiction other than that of the custodial parent.

2503 (3) A transitioning military child, placed in the care of a non-custodial parent or other

2504 person standing in loco parentis who lives in a jurisdiction other than that of the custodial
2505 parent, may continue to attend the school in which the student was enrolled while residing with
2506 the custodial parent.

2507 (4) State and local education agencies shall facilitate the opportunity for transitioning
2508 military children's inclusion in extracurricular activities, regardless of application deadlines, to
2509 the extent they are otherwise qualified.

2510 Section 66. Section **53E-3-908**, which is renumbered from Section 53A-1-1007 is
2511 renumbered and amended to read:

2512 ~~[53A-1-1007]~~. **53E-3-908**. **Article VII -- Graduation -- Waiver -- Exit exams**
2513 **-- Senior year transfers.**

2514 In order to facilitate the on-time graduation of children of military families, states and
2515 local education agencies shall incorporate the following procedures:

2516 (1) Local education agency administrative officials shall waive specific courses
2517 required for graduation if similar coursework has been satisfactorily completed in another local
2518 education agency or shall provide reasonable justification for denial. Should a waiver not be
2519 granted to a student who would qualify to graduate from the sending school, the local education
2520 agency shall provide an alternative means of acquiring required coursework so that graduation
2521 may occur on time.

2522 (2) States shall accept:

2523 (a) exit or end-of-course exams required for graduation from the sending state;

2524 (b) national norm-referenced achievement tests; or

2525 (c) alternative testing, in lieu of testing requirements for graduation in the receiving
2526 state. In the event the above alternatives cannot be accommodated by the receiving state for a
2527 student transferring in the student's Senior year, then the provisions of Subsection (3) shall
2528 apply.

2529 (3) Should a military student transferring at the beginning or during the student's
2530 Senior year be ineligible to graduate from the receiving local education agency after all
2531 alternatives have been considered, the sending and receiving local education agencies shall
2532 ensure the receipt of a diploma from the sending local education agency, if the student meets
2533 the graduation requirements of the sending local education agency. In the event that one of the
2534 states in question is not a member of this compact, the member state shall use best efforts to

2535 facilitate the on-time graduation of the student in accordance with Subsections (1) and (2).

2536 Section 67. Section **53E-3-909**, which is renumbered from Section 53A-1-1008 is
2537 renumbered and amended to read:

2538 ~~[53A-1-1008]~~. **53E-3-909**. **Article VIII -- State coordination -- Membership**
2539 **of State Council.**

2540 (1) Each member state shall, through the creation of a State Council or use of an
2541 existing body or board, provide for the coordination among its agencies of government, local
2542 education agencies, and military installations concerning the state's participation in, and
2543 compliance with, this compact and Interstate Commission activities. While each member state
2544 may determine the membership of its own State Council, its membership shall include at least:

- 2545 (a) the state superintendent of education;
- 2546 (b) a superintendent of a school district with a high concentration of military children;
- 2547 (c) a representative from a military installation;
- 2548 (d) one representative each from the legislative and executive branches of government;

2549 and

- 2550 (e) other offices and stakeholder groups the State Council considers appropriate.

2551 (2) A member state that does not have a school district that contains a high
2552 concentration of military children may appoint a superintendent from another school district to
2553 represent local education agencies on the State Council.

2554 (3) The State Council of each member state shall appoint or designate a military family
2555 education liaison to assist military families and the state in facilitating the implementation of
2556 this compact.

2557 (4) The compact commissioner responsible for the administration and management of
2558 the state's participation in the compact shall be appointed in accordance with Section
2559 ~~[53A-1-1020]~~ 53E-3-921.

2560 (5) The compact commissioner and the designated military family education liaison
2561 shall be ex-officio members of the State Council, unless either is already a full voting member
2562 of the State Council.

2563 Section 68. Section **53E-3-910**, which is renumbered from Section 53A-1-1009 is
2564 renumbered and amended to read:

2565 ~~[53A-1-1009]~~. **53E-3-910**. **Article IX -- Creation of Interstate Commission.**

2566 (1) The member states hereby create the "Interstate Commission on Educational
2567 Opportunity for Military Children." The activities of the Interstate Commission are the
2568 formation of public policy and are a discretionary state function.

2569 (2) The Interstate Commission shall:

2570 (a) Be a body corporate and joint agency of the member states and have all the
2571 responsibilities, powers, and duties set forth in this compact, and any additional powers as may
2572 be conferred upon it by a subsequent concurrent action of the respective legislatures of the
2573 member states in accordance with the terms of this compact.

2574 (b) Consist of one Interstate Commission voting representative from each member state
2575 who shall be that state's compact commissioner.

2576 (i) Each member state represented at a meeting of the Interstate Commission is entitled
2577 to one vote.

2578 (ii) A majority of the total member states shall constitute a quorum for the transaction
2579 of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

2580 (iii) A representative may not delegate a vote to another member state. In the event the
2581 compact commissioner is unable to attend a meeting of the Interstate Commission, the
2582 Governor or State Council may delegate voting authority to another person from their state for
2583 a specified meeting.

2584 (iv) The bylaws may provide for meetings of the Interstate Commission to be
2585 conducted by telecommunication or electronic communication.

2586 (3) Consist of ex-officio, non-voting representatives who are members of interested
2587 organizations. Such ex-officio members, as defined in the bylaws, may include but not be
2588 limited to, members of the representative organizations of military family advocates, local
2589 education agency officials, parent and teacher groups, the U.S. Department of Defense, the
2590 Education Commission of the States, the Interstate Agreement on the Qualification of
2591 Educational Personnel, and other interstate compacts affecting the education of children of
2592 military members.

2593 (4) Meet at least once each calendar year. The chairperson may call additional meetings
2594 and, upon the request of a simple majority of the member states, shall call additional meetings.

2595 (5) Establish an executive committee, whose members shall include the officers of the
2596 Interstate Commission and other members of the Interstate Commission as determined by the

2597 bylaws. Members of the executive committee shall serve a one-year term. Members of the
2598 executive committee shall be entitled to one vote each. The executive committee shall have the
2599 power to act on behalf of the Interstate Commission, with the exception of rulemaking, during
2600 periods when the Interstate Commission is not in session. The executive committee shall
2601 oversee the day-to-day activities of the administration of the compact including enforcement
2602 and compliance with the provisions of the compact, its bylaws and rules, and other duties
2603 considered necessary. The U.S. Department of Defense shall serve as an ex-officio, nonvoting
2604 member of the executive committee.

2605 (6) Establish bylaws and rules that provide for conditions and procedures under which
2606 the Interstate Commission shall make its information and official records available to the
2607 public for inspection or copying. The Interstate Commission may exempt from disclosure
2608 information or official records to the extent they would adversely affect personal privacy rights
2609 or proprietary interests.

2610 (7) Give public notice of all meetings and all meetings shall be open to the public,
2611 except as set forth in the rules or as otherwise provided in the compact. The Interstate
2612 Commission and its committees may close a meeting, or portion of the meeting, where it
2613 determines by two-thirds vote that an open meeting would be likely to:

2614 (a) relate solely to the Interstate Commission's internal personnel practices and
2615 procedures;

2616 (b) disclose matters specifically exempted from disclosure by federal and state statute;

2617 (c) disclose trade secrets or commercial or financial information which is privileged or
2618 confidential;

2619 (d) involve accusing a person of a crime, or formally censuring a person;

2620 (e) disclose information of a personal nature where disclosure would constitute a
2621 clearly unwarranted invasion of personal privacy;

2622 (f) disclose investigative records compiled for law enforcement purposes; or

2623 (g) specifically relate to the Interstate Commission's participation in a civil action or
2624 other legal proceeding.

2625 (8) Cause its legal counsel or designee to certify that a meeting may be closed and shall
2626 reference each relevant exemptible provision for any meeting, or portion of a meeting, which is
2627 closed pursuant to this provision. The Interstate Commission shall keep minutes which fully

2628 and clearly describe all matters discussed in a meeting and provide a full and accurate summary
2629 of actions taken, and the reasons therefor, including a description of the views expressed and
2630 the record of a roll call vote. All documents considered in connection with an action shall be
2631 identified in the minutes. All minutes and documents of a closed meeting shall remain under
2632 seal, subject to release by a majority vote of the Interstate Commission.

2633 (9) Collect standardized data concerning the educational transition of the children of
2634 military families under this compact as directed through its rules which shall specify the data to
2635 be collected, the means of collection, and data exchange and reporting requirements. Such
2636 methods of data collection, exchange, and reporting shall, as far as is reasonably possible,
2637 conform to current technology and coordinate its information functions with the appropriate
2638 custodian of records as identified in the bylaws and rules.

2639 (10) Create a process that permits military officials, education officials, and parents to
2640 inform the Interstate Commission if and when there are alleged violations of the compact or its
2641 rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by
2642 the state or local education agency. This section may not be construed to create a private right
2643 of action against the Interstate Commission or any member state.

2644 Section 69. Section **53E-3-911**, which is renumbered from Section 53A-1-1010 is
2645 renumbered and amended to read:

2646 ~~[53A-1-1010]~~. **53E-3-911**. **Article X -- Powers and duties of the Interstate**
2647 **Commission.**

2648 The Interstate Commission shall have the following powers:

2649 (1) To provide for dispute resolution among member states.

2650 (2) To promulgate rules and take all necessary actions to effect the goals, purposes, and
2651 obligations enumerated in this compact. The rules shall have the force and effect of rules
2652 promulgated under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and shall be
2653 binding in the compact states to the extent and in the manner provided in this compact.

2654 (3) To issue, upon request of a member state, advisory opinions concerning the
2655 meaning or interpretation of the interstate compact, its bylaws, rules, and actions.

2656 (4) To monitor compliance with the compact provisions, the rules promulgated by the
2657 Interstate Commission, and the bylaws. Any action to enforce compliance with the compact
2658 provision by the Interstate Commission shall be brought against a member state only.

2659 (5) To establish and maintain offices which shall be located within one or more of the
2660 member states.

2661 (6) To purchase and maintain insurance and bonds.

2662 (7) To borrow, accept, hire, or contract for services of personnel.

2663 (8) To establish and appoint committees including, but not limited to, an executive
2664 committee as required by Subsection [~~53A-1-1009~~] 53E-3-910(5), which shall have the power
2665 to act on behalf of the Interstate Commission in carrying out its powers and duties.

2666 (9) To elect or appoint officers, attorneys, employees, agents, or consultants, and to fix
2667 their compensation, define their duties and determine their qualifications, and to establish the
2668 Interstate Commission's personnel policies and programs relating to conflicts of interest, rates
2669 of compensation, and qualifications of personnel.

2670 (10) To accept any and all donations and grants of money, equipment, supplies,
2671 materials, and services, and to receive, utilize, and dispose of it.

2672 (11) To lease, purchase, accept contributions, or donations of, or otherwise to own,
2673 hold, improve, or use any property - real, personal, or mixed.

2674 (12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
2675 of any property - real, personal, or mixed.

2676 (13) To establish a budget and make expenditures.

2677 (14) To adopt a seal and bylaws governing the management and operation of the
2678 Interstate Commission.

2679 (15) To report annually to the legislatures, governors, judiciary, and state councils of
2680 the member states concerning the activities of the Interstate Commission during the preceding
2681 year. The reports shall also include any recommendations that may have been adopted by the
2682 Interstate Commission.

2683 (16) To coordinate education, training, and public awareness regarding the compact
2684 and its implementation and operation for officials and parents involved in such activity.

2685 (17) To establish uniform standards for the reporting, collecting, and exchanging of
2686 data.

2687 (18) To maintain corporate books and records in accordance with the bylaws.

2688 (19) To perform any functions necessary or appropriate to achieve the purposes of this
2689 compact.

2690 (20) To provide for the uniform collection and sharing of information between and
2691 among member states, schools, and military families under this compact.

2692 Section 70. Section **53E-3-912**, which is renumbered from Section 53A-1-1011 is
2693 renumbered and amended to read:

2694 ~~[53A-1-1011]~~. **53E-3-912**. **Article XI -- Organization and operation of the**
2695 **Interstate Commission -- Executive committee -- Officers -- Personnel.**

2696 (1) The Interstate Commission shall, by a majority of the members present and voting,
2697 within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its
2698 conduct as necessary or appropriate to carry out the purposes of the compact, including, but not
2699 limited to:

2700 (a) establishing the fiscal year of the Interstate Commission;

2701 (b) establishing an executive committee, and other committees as necessary;

2702 (c) providing for the establishment of committees and for governing any general or
2703 specific delegation of authority or function of the Interstate Commission;

2704 (d) providing reasonable procedures for calling and conducting meetings of the
2705 Interstate Commission, and ensuring reasonable notice of each meeting;

2706 (e) establishing the titles and responsibilities of the officers and staff of the Interstate
2707 Commission;

2708 (f) providing a mechanism for concluding the operations of the Interstate Commission
2709 and the return of surplus funds that may exist upon the termination of the compact after the
2710 payment and reserving of all of its debts and obligations; and

2711 (g) providing start up rules for initial administration of the compact.

2712 (2) The Interstate Commission shall, by a majority of the members, elect annually from
2713 among its members a chairperson, a vice-chairperson, and a treasurer, each of whom shall have
2714 the authority and duties specified in the bylaws. The chairperson or, in the chairperson's
2715 absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate
2716 Commission. The officers so elected shall serve without compensation or remuneration from
2717 the Interstate Commission; provided that, subject to the availability of budgeted funds, the
2718 officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in
2719 the performance of their responsibilities as officers of the Interstate Commission.

2720 (3) The executive committee shall have the authority and duties set forth in the bylaws,

2721 including, but not limited to:

2722 (a) managing the affairs of the Interstate Commission in a manner consistent with the
2723 bylaws and purposes of the Interstate Commission;

2724 (b) overseeing an organizational structure within, and appropriate procedures for the
2725 Interstate Commission to provide for the creation of rules, operating procedures, and
2726 administrative and technical support functions; and

2727 (c) planning, implementing, and coordinating communications and activities with other
2728 state, federal, and local government organizations in order to advance the goals of the Interstate
2729 Commission.

2730 (4) The executive committee may, subject to the approval of the Interstate
2731 Commission, appoint or retain an executive director for such period, upon such terms and
2732 conditions and for such compensation, as the Interstate Commission may consider appropriate.
2733 The executive director shall serve as secretary to the Interstate Commission, but may not be a
2734 member of the Interstate Commission. The executive director shall hire and supervise other
2735 persons authorized by the Interstate Commission.

2736 (5) The Interstate Commission's executive director and its employees shall be immune
2737 from suit and liability, either personally or in their official capacity, for a claim for damage to
2738 or loss of property or personal injury or other civil liability caused or arising out of or relating
2739 to an actual or alleged act, error, or omission that occurred, or that the person had a reasonable
2740 basis for believing occurred, within the scope of Interstate Commission employment, duties, or
2741 responsibilities; provided that, the person may not be protected from suit or liability for
2742 damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of
2743 the person.

2744 (a) The liability of the Interstate Commission's executive director and employees or
2745 Interstate Commission representatives, acting within the scope of the person's employment or
2746 duties for acts, errors, or omissions occurring within the person's state may not exceed the
2747 limits of liability set forth under the constitution and laws of that state for state officials,
2748 employees, and agents. The Interstate Commission is considered to be an instrumentality of the
2749 states for the purposes of any action. Nothing in this Subsection (5)(a) shall be construed to
2750 protect a person from suit or liability for damage, loss, injury, or liability caused by the
2751 intentional or willful and wanton misconduct of the person.

2752 (b) The Interstate Commission shall defend the executive director and its employees
2753 and, subject to the approval of the Attorney General or other appropriate legal counsel of the
2754 member state represented by an Interstate Commission representative, shall defend the
2755 Interstate Commission representative in any civil action seeking to impose liability arising out
2756 of an actual or alleged act, error, or omission that occurred within the scope of Interstate
2757 Commission employment, duties, or responsibilities, or that the defendant had a reasonable
2758 basis for believing occurred within the scope of Interstate Commission employment, duties, or
2759 responsibilities; provided that, the actual or alleged act, error, or omission did not result from
2760 intentional or willful and wanton misconduct on the part of the person.

2761 (c) To the extent not covered by the state involved, the member state, or the Interstate
2762 Commission, the representatives or employees of the Interstate Commission shall be held
2763 harmless in the amount of a settlement or judgment, including attorney fees and costs, obtained
2764 against a person arising out of an actual or alleged act, error, or omission that occurred within
2765 the scope of Interstate Commission employment, duties, or responsibilities, or that the person
2766 had a reasonable basis for believing occurred within the scope of Interstate Commission
2767 employment, duties, or responsibilities; provided that, the actual or alleged act, error, or
2768 omission did not result from intentional or willful and wanton misconduct on the part of the
2769 person.

2770 Section 71. Section **53E-3-913**, which is renumbered from Section 53A-1-1012 is
2771 renumbered and amended to read:

2772 **~~[53A-1-1012]~~. 53E-3-913. Article XII -- Rulemaking -- Authority --**
2773 **Procedure -- Review -- Rejection by Legislature.**

2774 (1) The Interstate Commission shall promulgate reasonable rules in order to effectively
2775 and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the
2776 event the Interstate Commission exercises its rulemaking authority in a manner that is beyond
2777 the scope of the purposes of this compact, or the powers granted in accordance with this
2778 compact, then the action by the Interstate Commission shall be invalid and have no force or
2779 effect.

2780 (2) Rules shall be made pursuant to a rulemaking process that substantially conforms to
2781 the Model State Administrative Procedure Act, of 1981, Uniform Laws Annotated, Vol. 15, p.1
2782 (2000) as amended, as may be appropriate to the operations of the Interstate Commission.

2783 (3) Not later than 30 days after a rule is promulgated, any person may file a petition for
2784 judicial review of the rule; provided that, the filing of a petition may not stay or otherwise
2785 prevent the rule from becoming effective unless the court finds that the petitioner has a
2786 substantial likelihood of success. The court shall give deference to the actions of the Interstate
2787 Commission consistent with applicable law and may not find the rule to be unlawful if the rule
2788 represents a reasonable exercise of the Interstate Commission's authority.

2789 (4) If a majority of the legislatures of the compacting states rejects a rule by enactment
2790 of a statute or resolution in the same manner used to adopt the compact, then the rule shall have
2791 no further force and effect in any compacting state.

2792 Section 72. Section **53E-3-914**, which is renumbered from Section 53A-1-1013 is
2793 renumbered and amended to read:

2794 ~~[53A-1-1013]~~. **53E-3-914. Article XIII -- Oversight -- Enforcement --**
2795 **Dispute resolution -- Default -- Technical assistance -- Suspension -- Termination.**

2796 (1) Each member state shall enforce this compact to effectuate the compact's purposes
2797 and intent. The provisions of this compact and the rules promulgated in accordance with the
2798 compact shall have standing as a rule promulgated under Title 63G, Chapter 3, Utah
2799 Administrative Rulemaking Act.

2800 (2) All courts shall take judicial notice of the compact and the rules in any judicial or
2801 administrative proceeding in a member state pertaining to the subject matter of this compact
2802 which may affect the powers, responsibilities, or actions of the Interstate Commission.

2803 (3) The Interstate Commission shall be entitled to receive all service of process in any
2804 proceeding, and have standing to intervene in the proceeding for all purposes. Failure to
2805 provide service of process to the Interstate Commission shall render a judgment or order void
2806 as to the Interstate Commission, this compact, or promulgated rules.

2807 (4) If the Interstate Commission determines that a member state has defaulted in the
2808 performance of its obligations or responsibilities under this compact, or the bylaws or
2809 promulgated rules, the Interstate Commission shall:

2810 (a) Provide written notice to the defaulting state and other member states, of the nature
2811 of the default, the means of curing the default, and any action taken by the Interstate
2812 Commission. The Interstate Commission shall specify the conditions by which the defaulting
2813 state shall cure its default.

2814 (b) Provide remedial training and specific technical assistance regarding the default.

2815 (5) If the defaulting state fails to cure the default, the defaulting state shall be
2816 terminated from the compact upon an affirmative vote of a majority of the member states and
2817 all rights, privileges, and benefits conferred by this compact shall be terminated from the
2818 effective date of termination. A cure of the default does not relieve the offending state of
2819 obligations or liabilities incurred during the period of the default.

2820 (6) Suspension or termination of membership in the compact shall be imposed only
2821 after all other means of securing compliance have been exhausted. Notice of intent to suspend
2822 or terminate shall be given by the Interstate Commission to the Governor, the majority and
2823 minority leaders of the defaulting state's legislature, and each of the member states.

2824 (7) The state which has been suspended or terminated is responsible for all
2825 assessments, obligations, and liabilities incurred through the effective date of suspension or
2826 termination, not to exceed \$5,000 per year, as provided in Subsection [~~53A-1-1014~~]
2827 53E-3-915(5), for each year that the state is a member of the compact.

2828 (8) The Interstate Commission may not bear any costs relating to any state that has
2829 been found to be in default or which has been suspended or terminated from the compact,
2830 unless otherwise mutually agreed upon in writing between the Interstate Commission and the
2831 defaulting state.

2832 (9) The defaulting state may appeal the action of the Interstate Commission by
2833 petitioning the U.S. District Court for the District of Columbia or the federal district where the
2834 Interstate Commission has its principal offices. The prevailing party shall be awarded all costs
2835 of the litigation including reasonable attorney fees.

2836 (10) The Interstate Commission shall attempt, upon the request of a member state, to
2837 resolve disputes which are subject to the compact and which may arise among member states
2838 and between member and non-member states.

2839 (11) The Interstate Commission shall promulgate a rule providing for both mediation
2840 and binding dispute resolution for disputes as appropriate.

2841 Section 73. Section **53E-3-915**, which is renumbered from Section 53A-1-1014 is
2842 renumbered and amended to read:

2843 ~~[53A-1-1014]~~. **53E-3-915. Article XIV -- Financing of the Interstate**
2844 **Commission.**

2845 (1) The Interstate Commission shall pay or provide for the payment of the reasonable
2846 expenses of its establishment, organization, and ongoing activities.

2847 (2) In accordance with the funding limit established in Subsection (5), the Interstate
2848 Commission may levy and collect an annual assessment from each member state to cover the
2849 cost of the operations and activities of the Interstate Commission and its staff which shall be in
2850 a total amount sufficient to cover the Interstate Commission's annual budget as approved each
2851 year. The aggregate annual assessment amount shall be allocated based upon a formula to be
2852 determined by the Interstate Commission, which shall promulgate a rule binding upon all
2853 member states.

2854 (3) The Interstate Commission may not incur obligations of any kind prior to securing
2855 the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of
2856 any of the member states, except by and with the authority of the member state.

2857 (4) The Interstate Commission shall keep accurate accounts of all receipts and
2858 disbursements. The receipts and disbursements of the Interstate Commission shall be subject to
2859 the audit and accounting procedures established under its bylaws. However, all receipts and
2860 disbursements of funds handled by the Interstate Commission shall be audited yearly by a
2861 certified or licensed public accountant and the report of the audit shall be included in and
2862 become part of the annual report of the Interstate Commission.

2863 (5) The Interstate Commission may not assess, levy, or collect more than \$5,000 per
2864 year from Utah legislative appropriations. Other funding sources may be accepted and used to
2865 offset expenses related to the state's participation in the compact.

2866 Section 74. Section **53E-3-916**, which is renumbered from Section 53A-1-1015 is
2867 renumbered and amended to read:

2868 **~~[53A-1-1015]~~. 53E-3-916. Article XV -- Member states -- Effective date --**
2869 **Amendments.**

2870 (1) Any state is eligible to become a member state.

2871 (2) The compact shall become effective and binding upon legislative enactment of the
2872 compact into law by no less than 10 of the states. The effective date shall be no earlier than
2873 December 1, 2007. Thereafter it shall become effective and binding as to any other member
2874 state upon enactment of the compact into law by that state. The governors of non-member
2875 states or their designees shall be invited to participate in the activities of the Interstate

2876 Commission on a non-voting basis prior to adoption of the compact by all states.

2877 (3) The Interstate Commission may propose amendments to the compact for enactment
2878 by the member states. No amendment shall become effective and binding upon the Interstate
2879 Commission and the member states unless and until it is enacted into law by unanimous
2880 consent of the member states.

2881 Section 75. Section **53E-3-917**, which is renumbered from Section 53A-1-1016 is
2882 renumbered and amended to read:

2883 ~~[53A-1-1016]~~. **53E-3-917. Article XVI -- Withdrawal -- Dissolution.**

2884 (1) Once effective, the compact shall continue in force and remain binding upon each
2885 and every member state; provided that, a member state may withdraw from the compact by
2886 specifically repealing the statute which enacted the compact into law.

2887 (2) Withdrawal from this compact shall be by the enactment of a statute repealing the
2888 same.

2889 (3) The withdrawing state shall immediately notify the chairperson of the Interstate
2890 Commission in writing upon the introduction of legislation repealing this compact in the
2891 withdrawing state. The Interstate Commission shall notify the other member states of the
2892 withdrawing state's intent to withdraw within 60 days of its receipt of the notification.

2893 (4) The withdrawing state is responsible for all assessments, obligations, and liabilities
2894 incurred through the effective date of withdrawal, not to exceed \$5,000 per year, as provided in
2895 Subsection ~~[53A-1-1014]~~ 53E-3-915(5), for each year that the state is a member of the
2896 compact.

2897 (5) Reinstatement following withdrawal of a member state shall occur upon the
2898 withdrawing state reenacting the compact or upon a later date determined by the Interstate
2899 Commission.

2900 (6) This compact shall dissolve effective upon the date of the withdrawal or default of
2901 a member state which reduces the membership in the compact to one member state.

2902 (7) Upon the dissolution of this compact, the compact becomes null and void and shall
2903 be of no further force or effect. The business and affairs of the Interstate Commission shall be
2904 concluded and surplus funds shall be distributed in accordance with the bylaws.

2905 Section 76. Section **53E-3-918**, which is renumbered from Section 53A-1-1017 is
2906 renumbered and amended to read:

2907 ~~[53A-1-1017]~~. **53E-3-918. Article XVII -- Severability -- Construction.**

2908 (1) The provisions of this compact shall be severable, and if any phrase, clause,
2909 sentence, or provision is considered unenforceable, the remaining provisions of the compact
2910 shall be enforceable.

2911 (2) The provisions of this compact shall be liberally construed to effectuate its
2912 purposes.

2913 (3) Nothing in this compact shall be construed to prohibit the applicability of other
2914 interstate compacts to which the states are members.

2915 Section 77. Section **53E-3-919**, which is renumbered from Section 53A-1-1018 is
2916 renumbered and amended to read:

2917 ~~[53A-1-1018]~~. **53E-3-919. Article XVIII -- Binding effect of compact --**
2918 **Other state laws.**

2919 (1) Nothing in this compact prevents the enforcement of any other law of a member
2920 state.

2921 (2) All lawful actions of the Interstate Commission, including all rules and bylaws
2922 promulgated by the Interstate Commission, are binding upon the member states.

2923 (3) All agreements between the Interstate Commission and the member states are
2924 binding in accordance with their terms.

2925 (4) In the event any provision of this compact exceeds the statutory or constitutional
2926 limits imposed on the legislature of any member state, that provision shall be ineffective to the
2927 extent of the conflict with the statutory or constitutional provision in question in that member
2928 state.

2929 Section 78. Section **53E-3-920**, which is renumbered from Section 53A-1-1019 is
2930 renumbered and amended to read:

2931 ~~[53A-1-1019]~~. **53E-3-920. Creation of State Council on Military Children.**

2932 (1) There is established a State Council on Military Children, as required in Section
2933 ~~[53A-1-1008]~~ 53E-3-909.

2934 (2) The members of the State Council on Military Children shall include:

2935 (a) the state superintendent of public instruction;

2936 (b) a superintendent of a school district with a high concentration of military children
2937 appointed by the governor;

- 2938 (c) a representative from a military installation, appointed by the governor;
 2939 (d) one member of the House of Representatives, appointed by the speaker of the
 2940 House;
 2941 (e) one member of the Senate, appointed by the president of the Senate;
 2942 (f) a representative from the Department of Veterans' and Military Affairs, appointed
 2943 by the governor;
 2944 (g) a military family education liaison, appointed by the members listed in Subsections
 2945 (2)(a) through (f);
 2946 (h) the compact commissioner, appointed in accordance with Section [~~53A-1-1020~~]
 2947 53E-3-921; and
 2948 (i) other members as determined by the governor.
 2949 (3) The State Council on Military Children shall carry out the duties established in
 2950 Section [~~53A-1-1008~~] 53E-3-909.
 2951 (4) (a) A member who is not a legislator may not receive compensation or per diem.
 2952 (b) Compensation and expenses of a member who is a legislator are governed by
 2953 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
 2954 Section 79. Section **53E-3-921**, which is renumbered from Section 53A-1-1020 is
 2955 renumbered and amended to read:
 2956 ~~[53A-1-1020]~~. **53E-3-921**. **Appointment of compact commissioner.**
 2957 The governor, with the consent of the Senate, shall appoint a compact commissioner to
 2958 carry out the duties described in this part.

2959 Section 80. Section **53E-4-101** is enacted to read:

2960 **CHAPTER 4. ACADEMIC STANDARDS, ASSESSMENTS, AND MATERIALS**

2961 **Part 1. General Provisions**

2962 **53E-4-101**. **Title.**

2963 This chapter is known as "Academic Standards, Assessments, and Materials."

2964 Section 81. Section **53E-4-201** is enacted to read:

2965 **Part 2. Standards**

2966 **53E-4-201**. **Definitions.**

2967 Reserved

2968 Section 82. Section **53E-4-202**, which is renumbered from Section 53A-1-402.6 is

2969 renumbered and amended to read:

2970 ~~[53A-1-402.6].~~ **53E-4-202. Core standards for Utah public schools.**

2971 (1) (a) In establishing minimum standards related to curriculum and instruction
2972 requirements under Section ~~[53A-1-402]~~ 53E-3-501, the State Board of Education shall, in
2973 consultation with local school boards, school superintendents, teachers, employers, and parents
2974 implement core standards for Utah public schools that will enable students to, among other
2975 objectives:

2976 (i) communicate effectively, both verbally and through written communication;

2977 (ii) apply mathematics; and

2978 (iii) access, analyze, and apply information.

2979 (b) Except as provided in this ~~[title]~~ public education code, the State Board of
2980 Education may recommend but may not require a local school board or charter school
2981 governing board to use:

2982 (i) a particular curriculum or instructional material; or

2983 (ii) a model curriculum or instructional material.

2984 (2) The State Board of Education shall, in establishing the core standards for Utah
2985 public schools:

2986 (a) identify the basic knowledge, skills, and competencies each student is expected to
2987 acquire or master as the student advances through the public education system; and

2988 (b) align with each other the core standards for Utah public schools and the
2989 assessments described in Section ~~[53A-1-604]~~ 53E-4-303.

2990 (3) The basic knowledge, skills, and competencies identified pursuant to Subsection
2991 (2)(a) shall increase in depth and complexity from year to year and focus on consistent and
2992 continual progress within and between grade levels and courses in the basic academic areas of:

2993 (a) English, including explicit phonics, spelling, grammar, reading, writing,
2994 vocabulary, speech, and listening; and

2995 (b) mathematics, including basic computational skills.

2996 (4) Before adopting core standards for Utah public schools, the State Board of
2997 Education shall:

2998 (a) publicize draft core standards for Utah public schools on the State Board of

2999 Education's website and the Utah Public Notice website created under Section 63F-1-701;

3000 (b) invite public comment on the draft core standards for Utah public schools for a
3001 period of not less than 90 days; and

3002 (c) conduct three public hearings that are held in different regions of the state on the
3003 draft core standards for Utah public schools.

3004 (5) Local school boards shall design their school programs, that are supported by
3005 generally accepted scientific standards of evidence, to focus on the core standards for Utah
3006 public schools with the expectation that each program will enhance or help achieve mastery of
3007 the core standards for Utah public schools.

3008 (6) Except as provided in Section [~~53A-13-101~~] 53G-10-402, each school may select
3009 instructional materials and methods of teaching, that are supported by generally accepted
3010 scientific standards of evidence, that the school considers most appropriate to meet the core
3011 standards for Utah public schools.

3012 (7) The state may exit any agreement, contract, memorandum of understanding, or
3013 consortium that cedes control of the core standards for Utah public schools to any other entity,
3014 including a federal agency or consortium, for any reason, including:

3015 (a) the cost of developing or implementing the core standards for Utah public schools;

3016 (b) the proposed core standards for Utah public schools are inconsistent with
3017 community values; or

3018 (c) the agreement, contract, memorandum of understanding, or consortium:

3019 (i) was entered into in violation of [~~Part 9~~] Chapter 3, Part 8, Implementing Federal or
3020 National Education Programs [Act], or Title 63J, Chapter 5, Federal Funds Procedures Act;

3021 (ii) conflicts with Utah law;

3022 (iii) requires Utah student data to be included in a national or multi-state database;

3023 (iv) requires records of teacher performance to be included in a national or multi-state
3024 database; or

3025 (v) imposes curriculum, assessment, or data tracking requirements on home school or
3026 private school students.

3027 (8) The State Board of Education shall annually report to the Education Interim
3028 Committee on the development and implementation of the core standards for Utah public
3029 schools, including the time line established for the review of the core standards for Utah public
3030 schools by a standards review committee and the recommendations of a standards review

3031 committee established under Section [~~53A-1-402.8~~] 53E-4-203.

3032 Section 83. Section **53E-4-203**, which is renumbered from Section 53A-1-402.8 is
3033 renumbered and amended to read:

3034 ~~[53A-1-402.8]~~. **53E-4-203. Standards review committee.**

3035 (1) As used in this section, "board" means the State Board of Education.

3036 (2) Subject to Subsection (5), the State Board of Education shall establish:

3037 (a) a time line for the review by a standards review committee of the core standards for

3038 Utah public schools for:

3039 (i) English language arts;

3040 (ii) mathematics;

3041 (iii) science;

3042 (iv) social studies;

3043 (v) fine arts;

3044 (vi) physical education and health; and

3045 (vii) early childhood education; and

3046 (b) a separate standards review committee for each subject area specified in Subsection
3047 (2)(a) to review, and recommend to the board revisions to, the core standards for Utah public
3048 schools.

3049 (3) At least one year before the board takes formal action to adopt new core standards
3050 for Utah public schools, the board shall establish a standards review committee as required by
3051 Subsection (2)(b).

3052 (4) A standards review committee shall meet at least twice during the time period
3053 described in Subsection (3).

3054 (5) In establishing a time line for the review of core standards for Utah public schools
3055 by a standards review committee, the board shall give priority to establishing a standards
3056 review committee to review, and recommend revisions to, the mathematics core standards for
3057 Utah public schools.

3058 (6) The membership of a standards review committee consists of:

3059 (a) seven individuals, with expertise in the subject being reviewed, appointed by the
3060 board chair, including teachers, business representatives, faculty of higher education
3061 institutions in Utah, and others as determined by the board chair;

3062 (b) five parents or guardians of public education students appointed by the speaker of
3063 the House of Representatives; and

3064 (c) five parents or guardians of public education students appointed by the president of
3065 the Senate.

3066 (7) The board shall provide staff support to the standards review committee.

3067 (8) A member of the standards review committee may not receive compensation or
3068 benefits for the member's service on the committee.

3069 (9) Among the criteria a standards review committee shall consider when reviewing the
3070 core standards for Utah public schools is giving students an adequate foundation to
3071 successfully pursue college, technical education, a career, or other life pursuits.

3072 (10) A standards review committee shall submit, to the board, comments and
3073 recommendations for revision of the core standards for Utah public schools.

3074 (11) The board shall take into consideration the comments and recommendations of a
3075 standards review committee in adopting the core standards for Utah public schools.

3076 (12) (a) Nothing in this section prohibits the board from amending or adding individual
3077 core standards for Utah public schools as the need arises in the board's ongoing responsibilities.

3078 (b) If the board makes changes as described in Subsection (12)(a), the board shall
3079 include the changes in the annual report the board submits to the Education Interim Committee
3080 under Section [~~53A-1-402.6~~] 53E-4-202.

3081 Section 84. Section **53E-4-204**, which is renumbered from Section 53A-13-108 is
3082 renumbered and amended to read:

3083 ~~[53A-13-108]~~. **53E-4-204. Standards and graduation requirements.**

3084 (1) The State Board of Education shall establish rigorous core standards for Utah
3085 public schools and graduation requirements under Section [~~53A-1-402~~] 53E-3-501 for grades 9
3086 through 12 that:

3087 (a) are consistent with state law and federal regulations; and

3088 (b) beginning no later than with the graduating class of 2008:

3089 (i) use competency-based standards and assessments;

3090 (ii) include instruction that stresses general financial literacy from basic budgeting to
3091 financial investments, including bankruptcy education and a general financial literacy test-out
3092 option; and

3093 (iii) increase graduation requirements in language arts, mathematics, and science to
3094 exceed the existing credit requirements of 3.0 units in language arts, 2.0 units in mathematics,
3095 and 2.0 units in science.

3096 (2) The State Board of Education shall also establish competency-based standards and
3097 assessments for elective courses.

3098 (3) On or before July 1, 2014, the State Board of Education shall adopt revised course
3099 standards and objectives for the course of instruction in general financial literacy described in
3100 Subsection (1)(b) that address:

3101 (a) the costs of going to college, student loans, scholarships, and the Free Application
3102 for Federal Student Aid (FAFSA); and

3103 (b) technology that relates to banking, savings, and financial products.

3104 (4) The State Board of Education shall administer the course of instruction in general
3105 financial literacy described in Subsection (1)(b) in the same manner as other core standards for
3106 Utah public schools courses for grades 9 through 12 are administered.

3107 Section 85. Section **53E-4-205**, which is renumbered from Section 53A-13-109.5 is
3108 renumbered and amended to read:

3109 ~~[53A-13-109.5]~~. **53E-4-205. American civics education initiative.**

3110 (1) As used in this section:

3111 (a) "Adult education program" means an organized educational program below the
3112 postsecondary level, other than a regular full-time K-12 secondary education program,
3113 provided by an LEA or nonprofit organization that provides the opportunity for an adult to
3114 further the adult's high school level education.

3115 (b) "Basic civics test" means a test that includes 50 of the 100 questions on the civics
3116 test form used by the United States Citizenship and Immigration Services:

3117 (i) to determine that an individual applying for United States citizenship meets the
3118 basic citizenship skills specified in 8 U.S.C. Sec. 1423; and

3119 (ii) in accordance with 8 C.F.R. Sec. 312.2.

3120 (c) "Board" means the State Board of Education.

3121 (d) "LEA" means:

3122 (i) a school district;

3123 (ii) a charter school; or

3124 (iii) the Utah Schools for the Deaf and the Blind.

3125 (2) (a) Except as provided in Subsection (2)(b), the board shall require:

3126 (i) a public school student who graduates on or after January 1, 2016, to pass a basic
3127 civics test as a condition for receiving a high school diploma; and

3128 (ii) a student enrolled in an adult education program to pass a basic civics test as a
3129 condition for receiving an adult education secondary diploma.

3130 (b) The board may require a public school student to pass an alternate assessment
3131 instead of a basic civics test if the student qualifies for an alternate assessment, as defined in
3132 board rule.

3133 (3) An individual who correctly answers a minimum of 35 out of the 50 questions on a
3134 basic civics test passes the test and an individual who correctly answers fewer than 35 out of 50
3135 questions on a basic civics test does not pass the test.

3136 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3137 board shall make rules that:

3138 (a) require an LEA that serves secondary students to administer a basic civics test or
3139 alternate assessment to a public school student enrolled in the LEA;

3140 (b) require an adult education program provider to administer a basic civics test to an
3141 individual who intends to receive an adult education secondary diploma;

3142 (c) allow an individual to take a basic civics test as many times as needed in order to
3143 pass the test; and

3144 (d) for the alternate assessment described in Subsection (2)(b), describe:

3145 (i) the content of an alternate assessment;

3146 (ii) how a public school student qualifies for an alternate assessment; and

3147 (iii) how an LEA determines if a student passes an alternate assessment.

3148 Section 86. Section **53E-4-206**, which is renumbered from Section 53A-1-1302 is
3149 renumbered and amended to read:

3150 **~~[53A-1-1302]~~. 53E-4-206. Career and college readiness mathematics**
3151 **competency standards.**

3152 (1) As used in this section, "qualifying score" means a score established as described in
3153 Subsection (4), that, if met by a student, qualifies the student to receive college credit for a
3154 mathematics course that satisfies the state system of higher education quantitative literacy

3155 requirement.

3156 (2) The State Board of Education shall, in accordance with Title 63G, Chapter 3, Utah
3157 Administrative Rulemaking Act, make rules that:

3158 (a) (i) establish the mathematics competency standards described in Subsection (3) as a
3159 graduation requirement beginning with the 2016-17 school year; and

3160 (ii) include the qualifying scores described in Subsection (4); and

3161 (b) establish systematic reporting of college and career ready mathematics
3162 achievement.

3163 (3) In addition to other graduation requirements established by the State Board of
3164 Education, a student shall fulfill one of the following requirements to demonstrate mathematics
3165 competency that supports the student's future college and career goals as outlined in the
3166 student's college and career plan:

3167 (a) for a student pursuing a college degree after graduation:

3168 (i) receive a score that at least meets the qualifying score for:

3169 (A) an Advanced Placement calculus or statistics exam;

3170 (B) an International Baccalaureate higher level mathematics exam;

3171 (C) a college-level math placement test described in Subsection (5);

3172 (D) a College Level Examination Program precalculus or calculus exam; or

3173 (E) the ACT Mathematics Test; or

3174 (ii) receive at least a "C" grade in a concurrent enrollment mathematics course that
3175 satisfies the state system of higher education quantitative literacy requirement;

3176 (b) for a non college degree-seeking student, the student shall complete appropriate
3177 math competencies for the student's career goals as described in the student's college and career
3178 plan;

3179 (c) for a student with an individualized education program prepared in accordance with
3180 the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., the student shall
3181 meet the mathematics standards described in the student's individualized education program; or

3182 (d) for a senior student with special circumstances as described in State Board of
3183 Education rule, the student shall fulfill a requirement associated with the student's special
3184 circumstances, as established in State Board of Education rule.

3185 (4) The State Board of Regents shall, in consultation with the State Board of

3186 Education, determine qualifying scores for the tests and exams described in Subsection
3187 (3)(a)(i).

3188 (5) The State Board of Regents, established in Section 53B-1-103, shall make a policy
3189 to select at least two tests for college-level math placement.

3190 (6) The State Board of Regents shall, in consultation with the State Board of
3191 Education, make policies to:

3192 (a) develop mechanisms for a student who completes a math competency requirement
3193 described in Subsection (3)(a) to:

3194 (i) receive college credit; and

3195 (ii) satisfy the state system of higher education quantitative literacy requirement;

3196 (b) allow a student, upon completion of required high school mathematics courses with
3197 at least a "C" grade, entry into a mathematics concurrent enrollment course;

3198 (c) increase access to a range of mathematics concurrent enrollment courses;

3199 (d) establish a consistent concurrent enrollment course approval process; and

3200 (e) establish a consistent process to qualify high school teachers with an upper level
3201 mathematics endorsement to teach entry level mathematics concurrent enrollment courses.

3202 Section 87. Section **53E-4-301**, which is renumbered from Section 53A-1-602 is
3203 renumbered and amended to read:

3204 **Part 3. Assessments**

3205 ~~[53A-1-602].~~ **53E-4-301. Definitions.**

3206 As used in this part:

3207 (1) "Board" means the State Board of Education.

3208 (2) "Core standards for Utah public schools" means the standards established by the
3209 board as described in Section ~~[53A-1-402.6]~~ 53E-4-202.

3210 (3) "Individualized education program" or "IEP" means a written statement for a
3211 student with a disability that is developed, reviewed, and revised in accordance with the
3212 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

3213 (4) "Statewide assessment" means one or more of the following, as applicable:

3214 (a) a standards assessment described in Section ~~[53A-1-604]~~ 53E-4-303;

3215 (b) a high school assessment described in Section ~~[53A-1-611.5]~~ 53E-4-304;

3216 (c) a college readiness assessment described in Section ~~[53A-1-611]~~ 53E-4-305; or

3217 (d) an assessment of students in grade 3 to measure reading grade level described in
3218 Section [~~53A-1-606.6~~] 53E-4-307.

3219 Section 88. Section **53E-4-301.5**, which is renumbered from Section 53A-1-601 is
3220 renumbered and amended to read:

3221 ~~[53A-1-601]~~. **53E-4-301.5**. **Legislative intent.**

3222 (1) In enacting this part, the Legislature intends to determine the effectiveness of school
3223 districts and schools in assisting students to master the fundamental educational skills toward
3224 which instruction is directed.

3225 (2) The board shall ensure that a statewide assessment provides the public, the
3226 Legislature, the board, school districts, public schools, and school teachers with:

3227 (a) evaluative information regarding the various levels of proficiency achieved by
3228 students, so that they may have an additional tool to plan, measure, and evaluate the
3229 effectiveness of programs in the public schools; and

3230 (b) information to recognize excellence and to identify the need for additional resources
3231 or to reallocate educational resources in a manner to ensure educational opportunities for all
3232 students and to improve existing programs.

3233 Section 89. Section **53E-4-302**, which is renumbered from Section 53A-1-603 is
3234 renumbered and amended to read:

3235 ~~[53A-1-603]~~. **53E-4-302**. **Statewide assessments -- Duties of State Board of**
3236 **Education.**

3237 (1) The board shall:

3238 (a) require the state superintendent of public instruction to:

3239 (i) submit and recommend statewide assessments to the board for adoption by the
3240 board; and

3241 (ii) distribute the statewide assessments adopted by the board to a school district or
3242 charter school;

3243 (b) provide for the state to participate in the National Assessment of Educational
3244 Progress state-by-state comparison testing program; and

3245 (c) require a school district or charter school to administer statewide assessments.

3246 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3247 board shall make rules for the administration of statewide assessments.

3248 (3) The board shall ensure that statewide assessments are administered in compliance
 3249 with the requirements of [~~Part 14, Student Data Protection Act, and Chapter 13, Part 3, Utah~~
 3250 ~~Family Educational Rights and Privacy Act~~] Chapter 9, Student Privacy and Data Protection.

3251 Section 90. Section **53E-4-303**, which is renumbered from Section 53A-1-604 is
 3252 renumbered and amended to read:

3253 ~~[53A-1-604].~~ **53E-4-303. Utah standards assessments -- Administration --**
 3254 **Review committee.**

3255 (1) As used in this section, "computer adaptive assessment" means an assessment that
 3256 measures the range of a student's ability by adapting to the student's responses, selecting more
 3257 difficult or less difficult questions based on the student's responses.

3258 (2) The board shall:

3259 (a) adopt a standards assessment that:

3260 (i) measures a student's proficiency in:

3261 (A) mathematics for students in each of grades 3 through 8;

3262 (B) English language arts for students in each of grades 3 through 8;

3263 (C) science for students in each of grades 4 through 8; and

3264 (D) writing for students in at least grades 5 and 8; and

3265 (ii) except for the writing measurement described in Subsection (2)(a)(i)(D), is a
 3266 computer adaptive assessment; and

3267 (b) ensure that an assessment described in Subsection (2)(a) is:

3268 (i) a criterion referenced assessment;

3269 (ii) administered online;

3270 (iii) aligned with the core standards for Utah public schools; and

3271 (iv) adaptable to competency-based education as defined in Section [~~53A-15-1802~~]

3272 53F-5-501.

3273 (3) A school district or charter school shall annually administer the standards
 3274 assessment adopted by the board under Subsection (2) to all students in the subjects and grade
 3275 levels described in Subsection (2).

3276 (4) A student's score on the standards assessment adopted under Subsection (2) may
 3277 not be considered in determining:

3278 (a) the student's academic grade for a course; or

3279 (b) whether the student may advance to the next grade level.

3280 (5) (a) The board shall establish a committee consisting of 15 parents of Utah public
3281 education students to review all standards assessment questions.

3282 (b) The committee established in Subsection (5)(a) shall include the following parent
3283 members:

3284 (i) five members appointed by the chair of the board;

3285 (ii) five members appointed by the speaker of the House of Representatives or the
3286 speaker's designee; and

3287 (iii) five members appointed by the president of the Senate or the president's designee.

3288 (c) The board shall provide staff support to the parent committee.

3289 (d) The term of office of each member appointed in Subsection (5)(b) is four years.

3290 (e) The chair of the board, the speaker of the House of Representatives, and the
3291 president of the Senate shall adjust the length of terms to stagger the terms of committee
3292 members so that approximately half of the committee members are appointed every two years.

3293 (f) No member may receive compensation or benefits for the member's service on the
3294 committee.

3295 Section 91. Section **53E-4-304**, which is renumbered from Section 53A-1-611.5 is
3296 renumbered and amended to read:

3297 ~~[53A-1-611.5]~~. **53E-4-304. High school assessments.**

3298 (1) The board shall adopt a high school assessment that:

3299 (a) is predictive of a student's college readiness as measured by the college readiness
3300 assessment described in Section ~~[53A-1-611]~~ 53E-4-305; and

3301 (b) provides a growth score for a student from grade 9 to 10.

3302 (2) A school district or charter school shall annually administer the high school
3303 assessment adopted by the board under Subsection (1) to all students in grades 9 and 10.

3304 Section 92. Section **53E-4-305**, which is renumbered from Section 53A-1-611 is
3305 renumbered and amended to read:

3306 ~~[53A-1-611]~~. **53E-4-305. College readiness assessments.**

3307 (1) The Legislature recognizes the need for the board to develop and implement
3308 standards and assessment processes to ensure that student progress is measured and that school
3309 boards and school personnel are accountable.

3310 (2) The board shall adopt a college readiness assessment for secondary students that:
3311 (a) is the college readiness assessment most commonly submitted to local universities;
3312 and
3313 (b) may include:
3314 (i) the Armed Services Vocational Aptitude Battery; or
3315 (ii) a battery of assessments that are predictive of success in higher education.
3316 (3) (a) Except as provided in Subsection (3)(b), a school district or charter school shall
3317 annually administer the college readiness assessment adopted under Subsection (2) to all
3318 students in grade 11.

3319 (b) A student with an IEP may take an appropriate college readiness assessment other
3320 than the assessment adopted by the board under Subsection (2), as determined by the student's
3321 IEP.

3322 (4) In accordance with Section 53F-4-202, the board shall contract with a provider to
3323 provide an online college readiness diagnostic tool.

3324 Section 93. Section **53E-4-306**, which is renumbered from Section 53A-1-606.5 is
3325 renumbered and amended to read:

3326 ~~[53A-1-606.5]~~. **53E-4-306. State reading goal -- Reading achievement plan.**

3327 (1) As used in this section:

3328 (a) "Competency" means a demonstrable acquisition of a specified knowledge, skill, or
3329 ability that has been organized into a hierarchical arrangement leading to higher levels of
3330 knowledge, skill, or ability.

3331 (b) "Five domains of reading" include phonological awareness, phonics, fluency,
3332 comprehension, and vocabulary.

3333 (2) (a) The Legislature recognizes that:

3334 (i) reading is the most fundamental skill, the gateway to knowledge and lifelong
3335 learning;

3336 (ii) there is an ever increasing demand for literacy in the highly technological society
3337 we live in;

3338 (iii) students who do not learn to read will be economically and socially disadvantaged;

3339 (iv) reading problems exist in almost every classroom;

3340 (v) almost all reading failure is preventable if reading difficulties are diagnosed and

3341 treated early; and

3342 (vi) early identification and treatment of reading difficulties can result in students
3343 learning to read by the end of the third grade.

3344 (b) It is therefore the goal of the state to have every student in the state's public
3345 education system reading on or above grade level by the end of the third grade.

3346 (3) (a) Each public school containing kindergarten, grade one, grade two, or grade
3347 three, including charter schools, shall develop, as a component of the school improvement plan
3348 described in Section [~~53A-1a-108.5~~] 53G-7-1204, a reading achievement plan for its students
3349 in kindergarten through grade three to reach the reading goal set in Subsection (2)(b).

3350 (b) The reading achievement plan shall be:

3351 (i) created under the direction of:

3352 (A) the school community council or a subcommittee or task force created by the
3353 school community council, in the case of a school district school; or

3354 (B) the charter school governing board or a subcommittee or task force created by the
3355 governing board, in the case of a charter school; and

3356 (ii) implemented by the school's principal, teachers, and other appropriate school staff.

3357 (c) The school principal shall take primary responsibility to provide leadership and
3358 allocate resources and support for teachers and students, most particularly for those who are
3359 reading below grade level, to achieve the reading goal.

3360 (d) Each reading achievement plan shall include:

3361 (i) an assessment component that:

3362 (A) focuses on ongoing formative assessment to measure the five domains of reading,
3363 as appropriate, and inform individualized instructional decisions; and

3364 (B) includes a benchmark assessment of reading approved by the [~~State Board of~~
3365 ~~Education~~] board pursuant to Section [~~53A-1-606.6~~] 53E-4-307;

3366 (ii) an intervention component:

3367 (A) that provides adequate and appropriate interventions focused on each student
3368 attaining competency in reading skills;

3369 (B) based on best practices identified through proven researched-based methods;

3370 (C) that provides intensive intervention, such as focused instruction in small groups
3371 and individualized data driven instruction, implemented at the earliest possible time for

3372 students having difficulty in reading;

3373 (D) that provides an opportunity for parents to receive materials and guidance so that
3374 they will be able to assist their children in attaining competency in reading skills; and

3375 (E) that, as resources allow, may involve a reading specialist; and

3376 (iii) a reporting component that includes reporting to parents:

3377 (A) at the beginning, in the middle, and at the end of grade one, grade two, and grade
3378 three, their child's benchmark assessment results as required by Section ~~[53A-1-606.6]~~
3379 53E-4-307; and

3380 (B) at the end of third grade, their child's reading level.

3381 (e) In creating or reviewing a reading achievement plan as required by this section, a
3382 school community council, charter school governing board, or a subcommittee or task force of
3383 a school community council or charter school governing board may not have access to data that
3384 reveal the identity of students.

3385 (4) (a) The school district shall approve each plan developed by schools within the
3386 district prior to its implementation and review each plan annually.

3387 (b) The charter school governing board shall approve each plan developed by schools
3388 under its control and review each plan annually.

3389 (c) A school district and charter school governing board shall:

3390 (i) monitor the learning gains of a school's students as reported by the benchmark
3391 assessments administered pursuant to Section ~~[53A-1-606.6]~~ 53E-4-307; and

3392 (ii) require a reading achievement plan to be revised, if the school district or charter
3393 school governing board determines a school's students are not making adequate learning gains.

3394 Section 94. Section **53E-4-307**, which is renumbered from Section 53A-1-606.6 is
3395 renumbered and amended to read:

3396 ~~[53A-1-606.6]~~. **53E-4-307. Benchmark assessments in reading -- Report to**
3397 **parent or guardian.**

3398 (1) As used in this section~~[(a) "Board" means the State Board of Education. (b)~~
3399 ~~"Competency"]~~, "competency" means a demonstrable acquisition of a specified knowledge,
3400 skill, or ability that has been organized into a hierarchical arrangement leading to higher levels
3401 of knowledge, skill, or ability.

3402 (2) The board shall approve a benchmark assessment for use statewide by school

3403 districts and charter schools to assess the reading competency of students in grades one, two,
3404 and three as provided by this section.

3405 (3) A school district or charter school shall:

3406 (a) administer benchmark assessments to students in grades one, two, and three at the
3407 beginning, middle, and end of the school year using the benchmark assessment approved by the
3408 board; and

3409 (b) after administering a benchmark assessment, report the results to a student's parent
3410 or guardian.

3411 (4) If a benchmark assessment or supplemental reading assessment indicates a student
3412 lacks competency in a reading skill, or is lagging behind other students in the student's grade in
3413 acquiring a reading skill, the school district or charter school shall:

3414 (a) provide focused individualized intervention to develop the reading skill;

3415 (b) administer formative assessments to measure the success of the focused
3416 intervention;

3417 (c) inform the student's parent or guardian of activities that the parent or guardian may
3418 engage in with the student to assist the student in improving reading proficiency; and

3419 (d) provide information to the parent or guardian regarding appropriate interventions
3420 available to the student outside of the regular school day that may include tutoring, before and
3421 after school programs, or summer school.

3422 (5) In accordance with Section 53F-4-201, the board shall contract with one or more
3423 educational technology providers for a diagnostic assessment system for reading for students in
3424 kindergarten through grade 3.

3425 Section 95. Section **53E-4-308**, which is renumbered from Section 53A-1-603.5 is
3426 renumbered and amended to read:

3427 **[53A-1-603.5]. 53E-4-308. Unique student identifier -- Coordination of**
3428 **higher education and public education information technology systems.**

3429 (1) As used in this section, "unique student identifier" means an alphanumeric code
3430 assigned to each public education student for identification purposes, which:

3431 (a) is not assigned to any former or current student; and

3432 (b) does not incorporate personal information, including a birth date or Social Security
3433 number.

3434 (2) The board, through the superintendent of public instruction, shall assign each
3435 public education student a unique student identifier, which shall be used to track individual
3436 student performance on achievement tests administered under this part.

3437 (3) The board and the State Board of Regents shall coordinate public education and
3438 higher education information technology systems to allow individual student academic
3439 achievement to be tracked through both education systems in accordance with this section and
3440 Section 53B-1-109.

3441 (4) The board and the State Board of Regents shall coordinate access to the unique
3442 student identifier of a public education student who later attends an institution within the state
3443 system of higher education.

3444 Section 96. Section **53E-4-309**, which is renumbered from Section 53A-1-610 is
3445 renumbered and amended to read:

3446 ~~[53A-1-610]~~. **53E-4-309**. **Grade level specification change.**

3447 (1) The board may change a grade level specification for the administration of specific
3448 assessments under this part to a different grade level specification or a competency-based
3449 specification if the specification is more consistent with patterns of school organization.

3450 (2) (a) If the board changes a grade level specification described in Subsection (1), the
3451 board shall submit a report to the Legislature explaining the reasons for changing the grade
3452 level specification.

3453 (b) The board shall submit the report at least six months before the anticipated change.

3454 Section 97. Section **53E-4-310**, which is renumbered from Section 53A-1-607 is
3455 renumbered and amended to read:

3456 ~~[53A-1-607]~~. **53E-4-310**. **Scoring -- Reports of results.**

3457 (1) For a statewide assessment that requires the use of a student answer sheet, a local
3458 school board or charter school governing board shall submit all answer sheets on a per-school
3459 and per-class basis to the state superintendent of public instruction for scoring unless the
3460 assessment requires scoring by a national testing service.

3461 (2) The district, school, and class results of the statewide assessments, but not the score
3462 or relative position of individual students, shall be reported to each local school board or
3463 charter school governing board annually at a regularly scheduled meeting.

3464 (3) A local school board or charter school governing board:

3465 (a) shall make copies of the report available to the general public upon request; and

3466 (b) may charge a fee for the cost of copying the report.

3467 (4) (a) The board shall annually provide to school districts and charter schools a
3468 comprehensive report for each of the school district's and charter school's students showing the
3469 student's statewide assessment results for each year that the student took a statewide
3470 assessment.

3471 (b) A school district or charter school shall give a copy of the comprehensive report to
3472 the student's parents and make the report available to school staff, as appropriate.

3473 Section 98. Section **53E-4-311**, which is renumbered from Section 53A-1-605 is
3474 renumbered and amended to read:

3475 ~~[53A-1-605].~~ **53E-4-311. Analysis of results -- Staff professional**
3476 **development.**

3477 (1) The board, through the state superintendent of public instruction, shall develop an
3478 online data reporting tool to analyze the results of statewide assessments.

3479 (2) The online data reporting tool shall include components designed to:

3480 (a) assist school districts and individual schools to use the results of the analysis in
3481 planning, evaluating, and enhancing programs;

3482 (b) identify schools not achieving state-established acceptable levels of student
3483 performance in order to assist those schools in improving student performance levels; and

3484 (c) provide:

3485 (i) for statistical reporting of statewide assessment results at state, school district,
3486 school, and grade or course levels; and

3487 (ii) actual levels of performance on statewide assessments.

3488 (3) A local school board or charter school governing board shall provide for:

3489 (a) evaluation of the statewide assessment results and use of the evaluations in setting
3490 goals and establishing programs; and

3491 (b) a professional development program that provides teachers, principals, and other
3492 professional staff with the training required to successfully establish and maintain statewide
3493 assessments.

3494 Section 99. Section **53E-4-312**, which is renumbered from Section 53A-1-608 is
3495 renumbered and amended to read:

3496 ~~[53A-1-608]~~. **53E-4-312. Preparation for tests.**

3497 (1) School district employees may not conduct any specific instruction or preparation
3498 of students that would be a breach of testing ethics, such as the teaching of specific test
3499 questions.

3500 (2) School district employees who administer the test shall follow the standardization
3501 procedures in the test administration manual for an assessment and any additional specific
3502 instructions developed by the board.

3503 (3) The board may revoke the certification of an individual who violates this section.

3504 Section 100. Section **53E-4-313**, which is renumbered from Section 53A-1-609 is
3505 renumbered and amended to read:

3506 ~~[53A-1-609]~~. **53E-4-313. Construction of part.**

3507 Nothing in this part shall be construed to mean or represented to require that graduation
3508 from a high school or promotion to another grade is in any way dependent upon successful
3509 performance of any test administered as a part of the testing program established under this
3510 part.

3511 Section 101. Section **53E-4-401** is enacted to read:

3512 **Part 4. State Instructional Materials Commission**

3513 **53E-4-401. Definitions.**

3514 As used in this part, "instructional materials" means textbooks or materials used as, or
3515 in place of, textbooks and which may be used within the state curriculum framework for
3516 courses of study by students in public schools to include:

- 3517 (1) textbooks;
3518 (2) workbooks;
3519 (3) computer software;
3520 (4) laser discs or videodiscs; and
3521 (5) multiple forms of communications media.

3522 Section 102. Section **53E-4-402**, which is renumbered from Section 53A-14-101 is
3523 renumbered and amended to read:

3524 ~~[53A-14-101]~~. **53E-4-402. Creation of commission -- Powers -- Payment of**
3525 **expenses.**

3526 (1) The State Board of Education shall appoint a State Instructional Materials

3527 Commission consisting of:

3528 (a) the state superintendent of public instruction or the superintendent's designee;

3529 (b) a school district superintendent;

3530 (c) a secondary school principal;

3531 (d) an elementary school principal;

3532 (e) a secondary school teacher;

3533 (f) an elementary school teacher;

3534 (g) five persons not employed in public education; and

3535 (h) a dean of a school of education of a state college or university.

3536 (2) The commission shall evaluate instructional materials for recommendation by the
3537 board.

3538 ~~[(3) As used in this chapter, "instructional materials" means textbooks or materials~~
3539 ~~used as, or in place, of textbooks and which may be used within the state curriculum~~
3540 ~~framework for courses of study by students in public schools to include:]~~

3541 ~~[(a) textbooks;]~~

3542 ~~[(b) workbooks;]~~

3543 ~~[(c) computer software;]~~

3544 ~~[(d) laserdiscs or videodiscs; and]~~

3545 ~~[(e) multiple forms of communications media.]~~

3546 ~~[(4)]~~ (3) Members shall serve without compensation, but their actual and necessary
3547 expenses incurred in the performance of their official duties shall be paid out of money
3548 appropriated to the board.

3549 Section 103. Section **53E-4-403**, which is renumbered from Section 53A-14-102 is
3550 renumbered and amended to read:

3551 ~~[53A-14-102].~~ **53E-4-403. Commission's evaluation of instructional**
3552 **materials -- Recommendation by the state board.**

3553 (1) Semi-annually after reviewing the evaluations of the commission, the board shall
3554 recommend instructional materials for use in the public schools.

3555 (2) The standard period of time instructional materials shall remain on the list of
3556 recommended instructional materials shall be five years.

3557 (3) Unsatisfactory instructional materials may be removed from the list of

3558 recommended instructional materials at any time within the period applicable to the
3559 instructional materials.

3560 (4) Except as provided in Section [~~53A-13-101~~] 53G-10-402, each school shall have
3561 discretion to select instructional materials for use by the school. A school may select:

3562 (a) instructional materials recommended by the board as provided in this section; or

3563 (b) other instructional materials the school considers appropriate to teach the core
3564 standards for Utah public schools.

3565 Section 104. Section **53E-4-404**, which is renumbered from Section 53A-14-103 is
3566 renumbered and amended to read:

3567 ~~[53A-14-103]~~. **53E-4-404. Meetings -- Notice.**

3568 (1) The commission shall meet at the call of the state superintendent of public
3569 instruction or the superintendent's designee.

3570 (2) Notice of a meeting shall be given as required under Section 52-4-202.

3571 Section 105. Section **53E-4-405**, which is renumbered from Section 53A-14-104 is
3572 renumbered and amended to read:

3573 ~~[53A-14-104]~~. **53E-4-405. Sealed proposals for instructional materials**
3574 **contracts -- Sample copies -- Price of instructional materials.**

3575 (1) As used in this section, the word "sealed" does not preclude acceptance of
3576 electronically sealed and submitted bids or proposals in addition to bids or proposals manually
3577 sealed and submitted.

3578 (2) A person seeking a contract to furnish instructional materials for use in the public
3579 schools shall submit a sealed proposal to the commission.

3580 (3) Each proposal must:

3581 (a) be accompanied by sample copies of the instructional materials to be reviewed; and

3582 (b) include the wholesale price at which the publisher agrees to furnish the
3583 instructional materials to districts and schools during the approval period.

3584 Section 106. Section **53E-4-406**, which is renumbered from Section 53A-14-105 is
3585 renumbered and amended to read:

3586 ~~[53A-14-105]~~. **53E-4-406. Awarding instructional materials contracts.**

3587 (1) The board shall award contracts for furnishing instructional materials.

3588 (2) If a satisfactory proposal to furnish instructional materials is not received, a new

3589 request for proposals may be issued.

3590 Section 107. Section **53E-4-407**, which is renumbered from Section 53A-14-106 is
3591 renumbered and amended to read:

3592 ~~[53A-14-106]~~. **53E-4-407. Illegal acts -- Misdemeanor.**

3593 It is a misdemeanor for a member of the commission or the board to receive money or
3594 other remuneration as an inducement for the recommendation or introduction of instructional
3595 materials into the schools.

3596 Section 108. Section **53E-4-408**, which is renumbered from Section 53A-14-107 is
3597 renumbered and amended to read:

3598 ~~[53A-14-107]~~. **53E-4-408. Instructional materials alignment with core**
3599 **standards for Utah public schools.**

3600 (1) For a school year beginning with or after the 2012-13 school year, a school district
3601 may not purchase primary instructional materials unless the primary instructional materials
3602 provider:

3603 (a) contracts with an independent party to evaluate and map the alignment of the
3604 primary instructional materials with the core standards for Utah public schools adopted under
3605 Section ~~[53A-1-402]~~ 53E-3-501;

3606 (b) provides a detailed summary of the evaluation under Subsection (1)(a) on a public
3607 website at no charge, for use by teachers and the general public; and

3608 (c) pays the costs related to the requirements of this Subsection (1).

3609 (2) The requirements under Subsection (1) may not be performed by:

3610 (a) the State Board of Education;

3611 (b) the superintendent of public instruction or employees of the State Board of
3612 Education;

3613 (c) the State Instructional Materials Commission appointed pursuant to Section
3614 ~~[53A-14-101]~~ 53E-4-402;

3615 (d) a local school board or a school district; or

3616 (e) the instructional materials creator or publisher.

3617 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3618 State Board of Education shall make rules that establish:

3619 (a) the qualifications of the independent parties who may evaluate and map the

3620 alignment of the primary instructional materials in accordance with the provisions of
 3621 Subsection (1)(a); and
 3622 (b) requirements for the detailed summary of the evaluation and its placement on a
 3623 public website in accordance with the provisions of Subsection (1)(b).

3624 Section 109. Section **53E-5-101** is enacted to read:

3625 **CHAPTER 5. ACCOUNTABILITY**

3626 **Part 1. General Provisions**

3627 **53E-5-101. Title.**

3628 This chapter is known as "Accountability."

3629 Section 110. Section **53E-5-201**, which is renumbered from Section 53A-1-1102 is
 3630 renumbered and amended to read:

3631 **Part 2. School Accountability System**

3632 **[53A-1-1102].** **53E-5-201. Definitions.**

3633 As used in this part:

3634 (1) "Board" means the State Board of Education.

3635 (2) "Individualized education program" means a written statement for a student with a
 3636 disability that is developed, reviewed, and revised in accordance with the Individuals with
 3637 Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

3638 (3) "Lowest performing 25% of students" means the proportion of a school's students
 3639 who scored in the lowest 25% of students in the school on a statewide assessment based on the
 3640 prior school year's scores.

3641 (4) "Statewide assessment" means one or more of the following, as applicable:

3642 (a) a standards assessment described in Section [~~53A-1-604~~] 53E-4-303;

3643 (b) a high school assessment described in Section [~~53A-1-611.5~~] 53E-4-304;

3644 (c) a college readiness assessment described in Section [~~53A-1-611~~] 53E-4-305; or

3645 (d) an alternate assessment administered to a student with a disability.

3646 Section 111. Section **53E-5-202**, which is renumbered from Section 53A-1-1103 is
 3647 renumbered and amended to read:

3648 **[53A-1-1103].** **53E-5-202. Statewide school accountability system -- State**
 3649 **Board of Education rulemaking.**

3650 (1) There is established a statewide school accountability system.

3651 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3652 board shall make rules to implement the school accountability system in accordance with this
3653 part.

3654 Section 112. Section **53E-5-203**, which is renumbered from Section 53A-1-1104 is
3655 renumbered and amended to read:

3656 ~~[53A-1-1104]~~. **53E-5-203**. **Schools included in school accountability system**
3657 **-- Other indicators and point distribution for a school that serves a special student**
3658 **population.**

3659 (1) Except as provided in Subsection (2), the board shall include all public schools in
3660 the state in the school accountability system established under this part.

3661 (2) The board shall exempt from the school accountability system:

3662 (a) a school in which the number of students tested on a statewide assessment is lower
3663 than the minimum sample size necessary, based on acceptable professional practice for
3664 statistical reliability, or when release of the information would violate 20 U.S.C. Sec. 1232h,
3665 the prevention of the unlawful release of personally identifiable student data;

3666 (b) a school in the school's first year of operations if the school's local school board or
3667 charter school governing board requests the exemption; or

3668 (c) a high school in the school's second year of operations if the school's local school
3669 board or charter school governing board requests the exemption.

3670 (3) Notwithstanding the provisions of this part, the board may use, to appropriately
3671 assess the educational impact of a school that serves a special student population:

3672 (a) other indicators in addition to the indicators described in Section ~~[53A-1-1106]~~
3673 53E-5-205 or ~~[53A-1-1107]~~ 53E-5-206; or

3674 (b) different point distribution than the point distribution described in Section
3675 ~~[53A-1-1108]~~ 53E-5-207.

3676 Section 113. Section **53E-5-204**, which is renumbered from Section 53A-1-1105 is
3677 renumbered and amended to read:

3678 ~~[53A-1-1105]~~. **53E-5-204**. **Rating schools.**

3679 (1) Except as provided in Subsection (3), and in accordance with this part, the board
3680 shall annually assign to each school an overall rating using an A through F letter grading scale
3681 where, based on the school's performance level on the indicators described in Subsection (2):

3682 (a) an A grade represents an exemplary school;

3683 (b) a B grade represents a commendable school;

3684 (c) a C grade represents a typical school;

3685 (d) a D grade represents a developing school; and

3686 (e) an F grade represents a critical needs school.

3687 (2) A school's overall rating described in Subsection (1) shall be based on the school's
3688 performance on the indicators described in:

3689 (a) Section [~~53A-1-1106~~] 53E-5-205, for an elementary school or a middle school; or

3690 (b) Section [~~53A-1-1107~~] 53E-5-206, for a high school.

3691 (3) (a) For a school year in which the board determines it is necessary to establish, due
3692 to a transition to a new assessment, a new baseline to determine student growth described in
3693 Section [~~53A-1-1111~~] 53E-5-210, the board is not required to assign an overall rating described
3694 in Subsection (1) to a school to which the new baseline applies.

3695 (b) For the 2017-2018 school year, the board:

3696 (i) shall evaluate a school based on the school's performance level on the indicators
3697 described in Subsection (2) and in accordance with this part; and

3698 (ii) is not required to assign a school an overall rating described in Subsection (1).

3699 Section 114. Section **53E-5-205**, which is renumbered from Section 53A-1-1106 is
3700 renumbered and amended to read:

3701 ~~[53A-1-1106]~~. **53E-5-205. Indicators for elementary and middle schools.**

3702 For an elementary school or a middle school, the board shall assign the school's overall
3703 rating, in accordance with Section [~~53A-1-1108~~] 53E-5-207, based on the school's performance
3704 on the following indicators:

3705 (1) academic achievement as measured by performance on a statewide assessment of
3706 English language arts, mathematics, and science;

3707 (2) academic growth as measured by progress from year to year on a statewide
3708 assessment of English language arts, mathematics, and science; and

3709 (3) equitable educational opportunity as measured by:

3710 (a) academic growth of the lowest performing 25% of students as measured by
3711 progress of the lowest performing 25% of students on a statewide assessment of English
3712 language arts, mathematics, and science; and

3713 (b) except as provided in Section [~~53A-1-1110~~] 53E-5-209, English learner progress as
 3714 measured by performance on an English learner assessment established by the board.

3715 Section 115. Section **53E-5-206**, which is renumbered from Section 53A-1-1107 is
 3716 renumbered and amended to read:

3717 ~~[53A-1-1107]~~. **53E-5-206. Indicators for high schools.**

3718 For a high school, in accordance with Section [~~53A-1-1108~~] 53E-5-207, the board shall
 3719 assign the school's overall rating based on the school's performance on the following
 3720 indicators:

3721 (1) academic achievement as measured by performance on a statewide assessment of
 3722 English language arts, mathematics, and science;

3723 (2) academic growth as measured by progress from year to year on a statewide
 3724 assessment of English language arts, mathematics, and science;

3725 (3) equitable educational opportunity as measured by:

3726 (a) academic growth of the lowest performing 25% of students as measured by
 3727 progress of the lowest performing 25% of students on a statewide assessment of English
 3728 language arts, mathematics, and science; and

3729 (b) except as provided in Section [~~53A-1-1110~~] 53E-5-209, English learner progress as
 3730 measured by performance on an English learner assessment established by the board; and

3731 (4) postsecondary readiness as measured by:

3732 (a) the school's graduation rate, as described in Section [~~53A-1-1108~~] 53E-5-207;

3733 (b) student performance, as described in Section [~~53A-1-1108~~] 53E-5-207, on a college
 3734 readiness assessment described in Section [~~53A-1-611~~] 53E-4-305; and

3735 (c) student achievement in advanced course work, as described in Section
 3736 [~~53A-1-1108~~] 53E-5-207.

3737 Section 116. Section **53E-5-207**, which is renumbered from Section 53A-1-1108 is
 3738 renumbered and amended to read:

3739 ~~[53A-1-1108]~~. **53E-5-207. Calculation of points.**

3740 (1) (a) The board shall award to a school points for academic achievement described in
 3741 Subsection [~~53A-1-1106~~] 53E-5-205(1) or [~~53A-1-1107~~] 53E-5-206(1) as follows:

3742 (i) the board shall award a school points proportional to the percentage of the school's
 3743 students who, out of all the school's students who take a statewide assessment of English

3744 language arts, score at or above the proficient level on the assessment;

3745 (ii) the board shall award a school points proportional to the percentage of the school's
3746 students who, out of all the school's students who take a statewide assessment of mathematics,
3747 score at or above the proficient level on the assessment; and

3748 (iii) the board shall award a school points proportional to the percentage of the school's
3749 students who, out of all the school's students who take a statewide assessment of science, score
3750 at or above the proficient level on the assessment.

3751 (b) (i) The maximum number of total points possible for academic achievement
3752 described in Subsection (1)(a) is 56 points.

3753 (ii) The maximum number of points possible for a component listed in Subsection
3754 (1)(a)(i), (ii), or (iii) is one-third of the number of points described in Subsection (1)(b)(i).

3755 (2) (a) Subject to Subsection (2)(b), the board shall award to a school points for
3756 academic growth described in Subsection [~~53A-1-1106~~] 53E-5-205(2) or [~~53A-1-1107~~]
3757 53E-5-206(2) as follows:

3758 (i) the board shall award a school points for growth of the school's students on a
3759 statewide assessment of English language arts;

3760 (ii) the board shall award a school points for growth of the school's students on a
3761 statewide assessment of mathematics; and

3762 (iii) the board shall award a school points for growth of the school's students on a
3763 statewide assessment of science.

3764 (b) The board shall determine points for growth awarded under Subsection (2)(a) by
3765 indexing the points based on:

3766 (i) whether a student's performance on a statewide assessment is equal to or exceeds
3767 the student's academic growth target; and

3768 (ii) the amount of a student's growth on a statewide assessment compared to other
3769 students with similar prior assessment scores.

3770 (c) (i) The maximum number of total points possible for academic growth described in
3771 Subsection (2)(a) is 56 points.

3772 (ii) The maximum number of points possible for a component listed in Subsection
3773 (2)(a)(i), (ii), or (iii) is one-third of the number of points described in Subsection (2)(c)(i).

3774 (3) (a) Subject to Subsection (3)(b), the board shall award to a school points for

3775 equitable educational opportunity described in Subsection [~~53A-1-1106~~] 53E-5-205(3) or
3776 [~~53A-1-1107~~] 53E-5-206(3) as follows:

3777 (i) the board shall award a school points for growth of the school's lowest performing
3778 25% of students on a statewide assessment of English language arts;

3779 (ii) the board shall award a school points for growth of the school's lowest performing
3780 25% of students on a statewide assessment of mathematics;

3781 (iii) the board shall award a school points for growth of the school's lowest performing
3782 25% of students on a statewide assessment of science; and

3783 (iv) except as provided in Section [~~53A-1-1110~~] 53E-5-209, the board shall award to a
3784 school points proportional to the percentage of English learners who achieve adequate progress
3785 as determined by the board on an English learner assessment established by the board.

3786 (b) The board shall determine points for academic growth awarded under Subsection
3787 (3)(a)(i), (ii), or (iii) by indexing the points based on the amount of a student's growth on a
3788 statewide assessment compared to other students with similar prior assessment scores.

3789 (c) (i) The maximum number of total points possible for equitable educational
3790 opportunity described in Subsection (3)(a) is 38 points.

3791 (ii) The maximum number of points possible for the components listed in Subsection
3792 (3)(a)(i), (ii), and (iii), combined, is 25 points.

3793 (iii) The maximum number of points possible for a component listed in Subsection
3794 (3)(a)(i), (ii), or (iii) is one-third of the number of the combined points described in Subsection
3795 (3)(c)(ii).

3796 (iv) The maximum number of points possible for the component listed in Subsection
3797 (3)(a)(iv) is 13 points.

3798 (4) (a) The board shall award to a high school points for postsecondary readiness
3799 described in Subsection [~~53A-1-1107~~] 53E-5-206(4) as follows:

3800 (i) the board shall award to a high school points proportional to the percentage of the
3801 school's students who, out of all the school's students who take a college readiness assessment
3802 described in Section [~~53A-1-611~~] 53E-4-305, receive a composite score of at least 18 on the
3803 assessment;

3804 (ii) the board shall award to a high school points proportional to the percentage of the
3805 school's students who achieve at least one of the following:

- 3806 (A) a C grade or better in an Advanced Placement course;
- 3807 (B) a C grade or better in a concurrent enrollment course;
- 3808 (C) a C grade or better in an International Baccalaureate course; or
- 3809 (D) completion of a career and technical education pathway, as defined by the board;
- 3810 and
- 3811 (iii) in accordance with Subsection (4)(c), the board shall award to a high school points
- 3812 proportional to the percentage of the school's students who graduate from the school.
- 3813 (b) (i) The maximum number of total points possible for postsecondary readiness
- 3814 described in Subsection (4)(a) is 75 points.
- 3815 (ii) The maximum number of points possible for a component listed in Subsection
- 3816 (4)(a)(i), (ii), or (iii) is one-third of the number of points described in Subsection (4)(b)(i).
- 3817 (c) (i) In calculating the percentage of students who graduate described in Subsection
- 3818 (4)(a)(iii), except as provided in Subsection (4)(c)(ii), the board shall award to a high school
- 3819 points proportional to the percentage of the school's students who graduate from the school
- 3820 within four years.
- 3821 (ii) The board may award up to 10% of the points allocated for high school graduation
- 3822 described in Subsection (4)(b)(ii) to a school for students who graduate from the school within
- 3823 five years.

3824 Section 117. Section **53E-5-208**, which is renumbered from Section 53A-1-1109 is

3825 renumbered and amended to read:

3826 ~~[53A-1-1109]~~. **53E-5-208**. **Calculation of total points awarded -- Maximum**

3827 **number of total points possible.**

3828 (1) Except as provided in Section ~~[53A-1-1110]~~ 53E-5-209, the board shall calculate

3829 the number of total points awarded to a school by totaling the number of points the board

3830 awards to the school in accordance with Section ~~[53A-1-1108]~~ 53E-5-207.

3831 (2) The maximum number of total points possible under Subsection (1) is:

3832 (a) for an elementary school or a middle school, 150 points; or

3833 (b) for a high school, 225 points.

3834 Section 118. Section **53E-5-209**, which is renumbered from Section 53A-1-1110 is

3835 renumbered and amended to read:

3836 ~~[53A-1-1110]~~. **53E-5-209**. **Exclusion of English learner progress --**

3837 **Calculation of total points awarded for a school with fewer than 10 English learners.**

3838 (1) For a school that has fewer than 10 English learners, the board shall:

3839 (a) exclude the use of English learner progress in determining the school's overall
3840 rating by:

3841 (i) awarding no points to the school for English learner progress described in

3842 Subsection [~~53A-1-1108~~] 53E-5-207(3)(a)(iv); and

3843 (ii) excluding the points described in Subsection [~~53A-1-1108~~] 53E-5-207(3)(c)(iv)
3844 from the school's maximum points possible; and

3845 (b) calculate the number of total points awarded to the school by totaling the number of
3846 points the board awards to the school in accordance with Section [~~53A-1-1108~~] 53E-5-207
3847 subject to the exclusion described in Subsection (1)(a).

3848 (2) The maximum number of total points possible under Subsection (1) is:

3849 (a) for an elementary school or a middle school, 137 points; or

3850 (b) for a high school, 212 points.

3851 Section 119. Section **53E-5-210**, which is renumbered from Section 53A-1-1111 is
3852 renumbered and amended to read:

3853 [~~53A-1-1111~~]. **53E-5-210. State Board of Education duties -- Proficient
3854 level -- Student growth -- English learner adequate progress.**

3855 (1) (a) For the purpose of determining whether a student scores at or above the
3856 proficient level on a statewide assessment, the board shall determine, through a process that
3857 evaluates student performance based on specific criteria, the minimum level that demonstrates
3858 proficiency for each statewide assessment.

3859 (b) If the board adjusts the minimum level that demonstrates proficiency described in
3860 Subsection (1)(a), the board shall report the adjustment and the reason for the adjustment to the
3861 Education Interim Committee no later than 30 days after the day on which the board makes the
3862 adjustment.

3863 (2) (a) For the purpose of determining whether a student's performance on a statewide
3864 assessment is equal to or exceeds the student's academic growth target, the board shall
3865 calculate, for each individual student, the amount of growth necessary to achieve or maintain
3866 proficiency by a future school year determined by the board.

3867 (b) For the purpose of determining the amount of a student's growth on a statewide

3868 assessment compared to other students with similar prior assessment scores, the board shall
3869 calculate growth as a percentile for a student using appropriate statistical methods.

3870 (3) For the purpose of determining whether an English learner achieves adequate
3871 progress on an English learner assessment established by the board, the board shall determine
3872 the minimum progress that demonstrates adequate progress.

3873 Section 120. Section **53E-5-211**, which is renumbered from Section 53A-1-1112 is
3874 renumbered and amended to read:

3875 ~~[53A-1-1112]~~. **53E-5-211. Reporting.**

3876 (1) The board shall annually publish on the board's website a report card that includes
3877 for each school:

3878 (a) the school's overall rating described in Subsection ~~[53A-1-1105]~~ 53E-5-204(1);

3879 (b) the school's performance on each indicator described in:

3880 (i) Section ~~[53A-1-1106]~~ 53E-5-205, for an elementary school or a middle school; or

3881 (ii) Section ~~[53A-1-1107]~~ 53E-5-206, for a high school;

3882 (c) information comparing the school's performance on each indicator described in

3883 Subsection (1)(b) with:

3884 (i) the average school performance; and

3885 (ii) the school's performance in all previous years for which data is available;

3886 (d) the percentage of students who participated in statewide assessments;

3887 (e) for an elementary school, the percentage of students who read on grade level in

3888 grades 1 through 3; and

3889 (f) for a high school, performance on Advanced Placement exams.

3890 (2) A school may include in the school's report card described in Subsection (1) up to
3891 two self-reported school quality indicators that:

3892 (a) are approved by the board for inclusion; and

3893 (b) may include process or input indicators.

3894 (3) (a) The board shall develop an individualized student achievement report that
3895 includes:

3896 (i) information on the student's level of proficiency as measured by a statewide
3897 assessment; and

3898 (ii) a comparison of the student's academic growth target and actual academic growth

3899 as measured by a statewide assessment.

3900 (b) The board shall, subject to the Family Educational Rights and Privacy Act, 20
3901 U.S.C. Sec. 1232g, make the individualized student achievement report described in
3902 Subsection (3)(a) available for a school district or charter school to access electronically.

3903 (c) A school district or charter school shall distribute an individualized student
3904 achievement report to the parent or guardian of the student to whom the report applies.

3905 Section 121. Section **53E-5-301**, which is renumbered from Section 53A-1-1202 is
3906 renumbered and amended to read:

3907 **Part 3. School Turnaround and Leadership Development**

3908 ~~[53A-1-1202]~~. **53E-5-301. Definitions.**

3909 As used in this part:

3910 (1) "Board" means the State Board of Education.

3911 (2) "Charter school authorizer" means the same as that term is defined in Section
3912 ~~[53A-1a-501.3]~~ 53G-5-102.

3913 (3) "Charter school governing board" means the governing board, as defined in Section
3914 ~~[53A-1a-501.3]~~ 53G-5-102, that governs a charter.

3915 (4) "District school" means a public school under the control of a local school board
3916 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School
3917 Boards.

3918 (5) "Educator" means the same as that term is defined in Section ~~[53A-6-103]~~
3919 53E-6-102.

3920 (6) "Final remedial year" means the second school year following the initial remedial
3921 year.

3922 (7) "Independent school turnaround expert" or "turnaround expert" means a person
3923 identified by the board under Section ~~[53A-1-1206]~~ 53E-5-305.

3924 (8) "Initial remedial year" means the school year a district school or charter school is
3925 designated as a low performing school under Section ~~[53A-1-1203]~~ 53E-5-302.

3926 (9) "Local education board" means a local school board or charter school governing
3927 board.

3928 (10) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2,
3929 Election of Members of Local Boards of Education.

3930 (11) "Low performing school" means a district school or charter school that has been
3931 designated a low performing school by the board because the school is:

3932 (a) for two consecutive school years in the lowest performing 3% of schools statewide
3933 according to the percentage of possible points earned under the school accountability system;
3934 and

3935 (b) a low performing school according to other outcome-based measures as may be
3936 defined in rules made by the board in accordance with Title 63G, Chapter 3, Utah
3937 Administrative Rulemaking Act.

3938 (12) "School accountability system" means the school accountability system
3939 established in Part ~~[††]~~ 2, School Accountability System.

3940 (13) "School grade" or "grade" means the letter grade assigned to a school as the
3941 school's overall rating under the school accountability system.

3942 (14) "School turnaround committee" means a committee established under:

3943 (a) for a district school, Section ~~[53A-1-1204]~~ 53E-5-303; or

3944 (b) for a charter school, Section ~~[53A-1-1205]~~ 53E-5-304.

3945 (15) "School turnaround plan" means a plan described in:

3946 (a) for a district school, Section ~~[53A-1-1204]~~ 53E-5-303; or

3947 (b) for a charter school, Section ~~[53A-1-1205]~~ 53E-5-304.

3948 Section 122. Section **53E-5-302**, which is renumbered from Section 53A-1-1203 is
3949 renumbered and amended to read:

3950 ~~[53A-1-1203]~~. **53E-5-302**. **State Board of Education to designate low**
3951 **performing schools -- Needs assessment.**

3952 (1) Except as provided in Subsection (4), the board shall:

3953 (a) annually designate a school as a low performing school; and

3954 (b) conduct a needs assessment for a low performing school by thoroughly analyzing
3955 the root causes of the low performing school's low performance.

3956 (2) The board may use up to 5% of the appropriation provided under this part to hire or
3957 contract with one or more individuals to conduct a needs assessment described in Subsection
3958 (1)(b).

3959 (3) A school that was designated as a low performing school based on 2015-2016
3960 school year performance that is not in the lowest performing 3% of schools statewide following

3961 the 2016-2017 school year is exempt from the provisions of this part.

3962 (4) The board is not required to designate as a low performing school a school for
3963 which the board is not required to assign an overall rating in accordance with Section
3964 [~~53A-1-1105~~] 53E-5-204.

3965 Section 123. Section **53E-5-303**, which is renumbered from Section 53A-1-1204 is
3966 renumbered and amended to read:

3967 ~~[53A-1-1204]~~. **53E-5-303. Required action to turn around a low performing**
3968 **district school.**

3969 (1) In accordance with deadlines established by the board, a local school board of a low
3970 performing school shall:

3971 (a) establish a school turnaround committee composed of the following members:

3972 (i) the local school board member who represents the voting district where the low
3973 performing school is located;

3974 (ii) the school principal;

3975 (iii) three parents of students enrolled in the low performing school appointed by the
3976 chair of the school community council;

3977 (iv) one teacher at the low performing school appointed by the principal;

3978 (v) one teacher at the low performing school appointed by the school district
3979 superintendent; and

3980 (vi) one school district administrator;

3981 (b) solicit proposals from a turnaround expert identified by the board under Section
3982 [~~53A-1-1206~~] 53E-5-305;

3983 (c) partner with the school turnaround committee to select a proposal;

3984 (d) submit the proposal described in Subsection (1)(b) to the board for review and
3985 approval; and

3986 (e) subject to Subsections (3) and (4), contract with a turnaround expert.

3987 (2) A proposal described in Subsection (1)(b) shall include a:

3988 (a) strategy to address the root causes of the low performing school's low performance
3989 identified through the needs assessment described in Section [~~53A-1-1203~~] 53E-5-302; and

3990 (b) scope of work to facilitate implementation of the strategy that includes at least the
3991 activities described in Subsection (4)(b).

- 3992 (3) A local school board may not select a turnaround expert that is:
- 3993 (a) the school district; or
- 3994 (b) an employee of the school district.
- 3995 (4) A contract between a local school board and a turnaround expert:
- 3996 (a) shall be based on an explicit stipulation of desired outcomes and consequences for
- 3997 not meeting goals, including cancellation of the contract;
- 3998 (b) shall include a scope of work that requires the turnaround expert to at a minimum:
- 3999 (i) develop and implement, in partnership with the school turnaround committee, a
- 4000 school turnaround plan that meets the criteria described in Subsection (5);
- 4001 (ii) monitor the effectiveness of a school turnaround plan through reliable means of
- 4002 evaluation, including on-site visits, observations, surveys, analysis of student achievement data,
- 4003 and interviews;
- 4004 (iii) provide ongoing implementation support and project management for a school
- 4005 turnaround plan;
- 4006 (iv) provide high-quality professional development personalized for school staff that is
- 4007 designed to build:
- 4008 (A) the leadership capacity of the school principal;
- 4009 (B) the instructional capacity of school staff;
- 4010 (C) educators' capacity with data-driven strategies by providing actionable, embedded
- 4011 data practices; and
- 4012 (v) leverage support from community partners to coordinate an efficient delivery of
- 4013 supports to students inside and outside the classroom;
- 4014 (c) may include a scope of work that requires the turnaround expert to:
- 4015 (i) develop sustainable school district and school capacities to effectively respond to
- 4016 the academic and behavioral needs of students in high poverty communities; or
- 4017 (ii) other services that respond to the needs assessment conducted under Section
- 4018 ~~[53A-1-1203]~~ 53E-5-302;
- 4019 (d) shall include travel costs and payment milestones; and
- 4020 (e) may include pay for performance provisions.
- 4021 (5) A school turnaround committee shall partner with the turnaround expert selected
- 4022 under Subsection (1) to develop and implement a school turnaround plan that:

4023 (a) addresses the root causes of the low performing school's low performance identified
4024 through the needs assessment described in Section [~~53A-1-1203~~] 53E-5-302;

4025 (b) includes recommendations regarding changes to the low performing school's
4026 personnel, culture, curriculum, assessments, instructional practices, governance, leadership,
4027 finances, policies, or other areas that may be necessary to implement the school turnaround
4028 plan;

4029 (c) includes measurable student achievement goals and objectives and benchmarks by
4030 which to measure progress;

4031 (d) includes a professional development plan that identifies a strategy to address
4032 problems of instructional practice;

4033 (e) includes a detailed budget specifying how the school turnaround plan will be
4034 funded;

4035 (f) includes a plan to assess and monitor progress;

4036 (g) includes a plan to communicate and report data on progress to stakeholders; and

4037 (h) includes a timeline for implementation.

4038 (6) A local school board of a low performing school shall:

4039 (a) prioritize school district funding and resources to the low performing school;

4040 (b) grant the low performing school streamlined authority over staff, schedule, policies,
4041 budget, and academic programs to implement the school turnaround plan; and

4042 (c) assist the turnaround expert and the low performing school with:

4043 (i) addressing the root cause of the low performing school's low performance; and

4044 (ii) the development or implementation of a school turnaround plan.

4045 (7) (a) On or before June 1 of an initial remedial year, a school turnaround committee
4046 shall submit the school turnaround plan to the local school board for approval.

4047 (b) Except as provided in Subsection (7)(c), on or before July 1 of an initial remedial
4048 year, a local school board of a low performing school shall submit the school turnaround plan
4049 to the board for approval.

4050 (c) If the local school board does not approve the school turnaround plan submitted
4051 under Subsection (7)(a), the school turnaround committee may appeal the disapproval in
4052 accordance with rules made by the board as described in Subsection [~~53A-1-1206~~]
4053 53E-5-305(6).

4054 (8) A local school board, or a local school board's designee, shall annually report to the
4055 board progress toward the goals, benchmarks, and timetable in a low performing school's
4056 turnaround plan.

4057 Section 124. Section **53E-5-304**, which is renumbered from Section 53A-1-1205 is
4058 renumbered and amended to read:

4059 ~~[53A-1-1205]~~. **53E-5-304**. **Required action to terminate or turn around a**
4060 **low performing charter school.**

4061 (1) In accordance with deadlines established by the board, a charter school authorizer
4062 of a low performing school shall initiate a review to determine whether the charter school is in
4063 compliance with the school's charter agreement described in Section ~~[53A-1a-508]~~ 53G-5-303,
4064 including the school's established minimum standards for student achievement.

4065 (2) If a low performing school is found to be out of compliance with the school's
4066 charter agreement, the charter school authorizer may terminate the school's charter in
4067 accordance with Section ~~[53A-1a-510]~~ 53G-5-503.

4068 (3) A charter school authorizer shall make a determination on the status of a low
4069 performing school's charter under Subsection (2) on or before a date specified by the board in
4070 an initial remedial year.

4071 (4) In accordance with deadlines established by the board, if a charter school authorizer
4072 does not terminate a low performing school's charter under Subsection (2), a charter school
4073 governing board of a low performing school shall:

4074 (a) establish a school turnaround committee composed of the following members:

4075 (i) a member of the charter school governing board, appointed by the chair of the
4076 charter school governing board;

4077 (ii) the school principal;

4078 (iii) three parents of students enrolled in the low performing school, appointed by the
4079 chair of the charter school governing board; and

4080 (iv) two teachers at the low performing school, appointed by the school principal;

4081 (b) solicit proposals from a turnaround expert identified by the board under Section
4082 ~~[53A-1-1206]~~ 53E-5-305;

4083 (c) partner with the school turnaround committee to select a proposal;

4084 (d) submit the proposal described in Subsection (4)(b) to the board for review and

- 4085 approval; and
- 4086 (e) subject to Subsections (6) and (7), contract with a turnaround expert.
- 4087 (5) A proposal described in Subsection (4)(b) shall include a:
- 4088 (a) strategy to address the root causes of the low performing school's low performance
- 4089 identified through the needs assessment described in Section [~~53A-1-1203~~] 53E-5-302; and
- 4090 (b) scope of work to facilitate implementation of the strategy that includes at least the
- 4091 activities described in Subsection [~~53A-1-1204~~] 53E-5-303(4)(b).
- 4092 (6) A charter school governing board may not select a turnaround expert that:
- 4093 (a) is a member of the charter school governing board;
- 4094 (b) is an employee of the charter school; or
- 4095 (c) has a contract to operate the charter school.
- 4096 (7) A contract entered into between a charter school governing board and a turnaround
- 4097 expert shall include and reflect the requirements described in Subsection [~~53A-1-1204~~]
- 4098 53E-5-303(4).
- 4099 (8) (a) A school turnaround committee shall partner with the independent school
- 4100 turnaround expert selected under Subsection (4) to develop and implement a school turnaround
- 4101 plan that includes the elements described in Subsection [~~53A-1-1204~~] 53E-5-303(5).
- 4102 (b) A charter school governing board shall assist a turnaround expert and a low
- 4103 performing charter school with:
- 4104 (i) addressing the root cause of the low performing school's low performance; and
- 4105 (ii) the development or implementation of a school turnaround plan.
- 4106 (9) (a) On or before June 1 of an initial remedial year, a school turnaround committee
- 4107 shall submit the school turnaround plan to the charter school governing board for approval.
- 4108 (b) Except as provided in Subsection (9)(c), on or before July 1 of an initial remedial
- 4109 year, a charter school governing board of a low performing school shall submit the school
- 4110 turnaround plan to the board for approval.
- 4111 (c) If the charter school governing board does not approve the school turnaround plan
- 4112 submitted under Subsection (9)(a), the school turnaround committee may appeal the
- 4113 disapproval in accordance with rules made by the board as described in Subsection
- 4114 [~~53A-1-1206~~] 53E-5-305(6).
- 4115 (10) The provisions of this part do not modify or limit a charter school authorizer's

4116 authority at any time to terminate a charter school's charter in accordance with Section
4117 [~~53A-1a-510~~] 53G-5-503.

4118 (11) A charter school governing board or a charter school governing board's designee
4119 shall annually report to the board progress toward the goals, benchmarks, and timetable in a
4120 low performing school's turnaround plan.

4121 Section 125. Section **53E-5-305**, which is renumbered from Section 53A-1-1206 is
4122 renumbered and amended to read:

4123 ~~[53A-1-1206]~~. **53E-5-305**. **State Board of Education to identify independent**
4124 **school turnaround experts -- Review and approval of school turnaround plans -- Appeals**
4125 **process.**

4126 (1) The board shall identify two or more approved independent school turnaround
4127 experts, through a standard procurement process, that a low performing school may contract
4128 with to:

4129 (a) respond to the needs assessment conducted under Section [~~53A-1-1203~~] 53E-5-302;
4130 and

4131 (b) provide the services described in Section [~~53A-1-1204~~] 53E-5-303 or [~~53A-1-1205~~]
4132 53E-5-304, as applicable.

4133 (2) In identifying independent school turnaround experts under Subsection (1), the
4134 board shall identify experts that:

4135 (a) have a credible track record of improving student academic achievement in public
4136 schools with various demographic characteristics, as measured by statewide assessments
4137 described in Section [~~53A-1-602~~] 53E-4-301;

4138 (b) have experience designing, implementing, and evaluating data-driven instructional
4139 systems in public schools;

4140 (c) have experience coaching public school administrators and teachers on designing
4141 data-driven school improvement plans;

4142 (d) have experience working with the various education entities that govern public
4143 schools;

4144 (e) have experience delivering high-quality professional development in instructional
4145 effectiveness to public school administrators and teachers; and

4146 (f) are willing to partner with any low performing school in the state, regardless of

4147 location.

4148 (3) (a) The board shall:

4149 (i) review a proposal submitted for approval under Section [~~53A-1-1204~~] 53E-5-303 or
4150 [~~53A-1-1205~~] 53E-5-304 no later than 30 days after the day on which the proposal is
4151 submitted;

4152 (ii) review a school turnaround plan submitted for approval under Subsection
4153 [~~53A-1-1204~~] 53E-5-303(7)(b) or under Subsection [~~53A-1-1205~~] 53E-5-304(9)(b) within 30
4154 days of submission; and

4155 (iii) approve a school turnaround plan that:

4156 (A) is timely;

4157 (B) is well-developed; and

4158 (C) meets the criteria described in Subsection [~~53A-1-1204~~] 53E-5-303(5).

4159 (b) The board may not approve a school turnaround plan that is not aligned with the
4160 needs assessment conducted under Section [~~53A-1-1203~~] 53E-5-302.

4161 (4) (a) Subject to legislative appropriations, when a school turnaround plan is approved
4162 by the board, the board shall distribute funds to each local education board with a low
4163 performing school to carry out the provisions of Sections [~~53A-1-1204~~] 53E-5-303 and
4164 [~~53A-1-1205~~] 53E-5-304.

4165 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4166 board shall make rules establishing a distribution method and allowable uses of the funds
4167 described in Subsection (4)(a).

4168 (5) The board shall:

4169 (a) monitor and assess progress toward the goals, benchmarks and timetable in each
4170 school turnaround plan; and

4171 (b) act as a liaison between a local school board, low performing school, and
4172 turnaround expert.

4173 (6) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
4174 the board shall make rules to establish an appeals process for:

4175 (i) a low performing district school that is not granted approval from the district
4176 school's local school board under Subsection [~~53A-1-1204~~] 53E-5-303(7)(b);

4177 (ii) a low performing charter school that is not granted approval from the charter

4178 school's charter school governing board under Subsection [~~53A-1-1205~~] 53E-5-304(9)(b); and
4179 (iii) a local school board or charter school governing board that is not granted approval
4180 from the board under Subsection (3)(a) or (b).

4181 (b) The board shall ensure that rules made under Subsection (6)(a) require an appeals
4182 process described in:

4183 (i) Subsections (6)(a)(i) and (ii) to be resolved on or before July 1 of the initial
4184 remedial year; and

4185 (ii) Subsection (6)(a)(iii) to be resolved on or before August 15 of the initial remedial
4186 year.

4187 (7) The board may use up to 4% of the funds appropriated by the Legislature to carry
4188 out the provisions of this part for administration if the amount for administration is approved
4189 by the board in an open meeting.

4190 Section 126. Section **53E-5-306**, which is renumbered from Section 53A-1-1207 is
4191 renumbered and amended to read:

4192 ~~[53A-1-1207]~~. **53E-5-306. Implications for failing to improve school**
4193 **performance.**

4194 (1) As used in this section, "high performing charter school" means a charter school
4195 that:

4196 (a) satisfies all requirements of state law and board rules;

4197 (b) meets or exceeds standards for student achievement established by the charter
4198 school's charter school authorizer; and

4199 (c) has received at least a B grade under the school accountability system in the
4200 previous two school years.

4201 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
4202 the board shall make rules establishing:

4203 (i) exit criteria for a low performing school;

4204 (ii) criteria for granting a school an extension as described in Subsection (3); and

4205 (iii) implications for a low performing school that does not meet exit criteria after the
4206 school's final remedial year or the last school year of the extension period described in
4207 Subsection (3).

4208 (b) In establishing exit criteria for a low performing school the board shall:

4209 (i) determine for each low performing school the number of points awarded under the
4210 school accountability system in the final remedial year that represent a substantive and
4211 statistically significant improvement over the number of points awarded under the school
4212 accountability system in the school year immediately preceding the initial remedial year;

4213 (ii) establish a method to estimate the exit criteria after a low performing school's first
4214 remedial year to provide a target for each low performing school; and

4215 (iii) use generally accepted statistical practices.

4216 (c) The board shall through a competitively awarded contract engage a third party with
4217 expertise in school accountability and assessments to verify the criteria adopted under this
4218 Subsection (2).

4219 (3) (a) A low performing school may petition the board for an extension to continue
4220 school improvement efforts for up to two years if the low performing school does not meet the
4221 exit criteria established by the board as described in Subsection (2).

4222 (b) A school that has been granted an extension under this Subsection (3) is eligible
4223 for:

4224 (i) continued funding under Section [~~53A-1-1206~~] 53E-5-305; and

4225 (ii) (A) the school teacher recruitment and retention incentive under Section
4226 [~~53A-1-1208.1~~] 53E-5-308; or

4227 (B) the School Recognition and Reward Program under Section [~~53A-1-1208~~]
4228 53E-5-307.

4229 (4) If a low performing school does not meet exit criteria after the school's final
4230 remedial year or the last school year of the extension period, the board may intervene by:

4231 (a) restructuring a district school, which may include:

4232 (i) contract management;

4233 (ii) conversion to a charter school; or

4234 (iii) state takeover;

4235 (b) restructuring a charter school by:

4236 (i) terminating a school's charter;

4237 (ii) closing a charter school; or

4238 (iii) transferring operation and control of the charter school to:

4239 (A) a high performing charter school; or

4240 (B) the school district in which the charter school is located; or

4241 (c) other appropriate action as determined by the board.

4242 Section 127. Section **53E-5-307**, which is renumbered from Section 53A-1-1208 is
4243 renumbered and amended to read:

4244 ~~[53A-1-1208]~~. **53E-5-307. School Recognition and Reward Program.**

4245 (1) As used in this section, "eligible school" means a low performing school that:

4246 (a) was designated as a low performing school based on 2014-2015 school year
4247 performance; and

4248 (b) (i) improves the school's grade by at least one letter grade, as determined by
4249 comparing the school's letter grade for the school year prior to the initial remedial year to the
4250 school's letter grade for the final remedial year; or

4251 (ii) (A) has been granted an extension under Subsection ~~[53A-1-1207]~~ 53E-5-306(3);
4252 and

4253 (B) improves the school's grade by at least one letter grade, as determined by
4254 comparing the school's letter grade for the school year prior to the initial remedial year to the
4255 school's letter grade for the last school year of the extension period.

4256 (2) The School Recognition and Reward Program is created to provide incentives to
4257 schools and educators to improve the school grade of a low performing school.

4258 (3) Subject to appropriations by the Legislature, upon the release of school grades by
4259 the board, the board shall distribute a reward equal to:

4260 (a) for an eligible school that improves the eligible school's grade one letter grade:

4261 (i) \$100 per tested student; and

4262 (ii) \$1,000 per educator;

4263 (b) for an eligible school that improves the eligible school's grade two letter grades:

4264 (i) \$200 per tested student; and

4265 (ii) \$2,000 per educator;

4266 (c) for an eligible school that improves the eligible school's grade three letter grades:

4267 (i) \$300 per tested student; and

4268 (ii) \$3,000 per educator; and

4269 (d) for an eligible school that improves the eligible school's grade four letter grades:

4270 (i) \$500 per tested student; and

4271 (ii) \$5,000 per educator.

4272 (4) The principal of an eligible school that receives a reward under Subsection (3), in
4273 consultation with the educators at the eligible school, may determine how to use the money in
4274 the best interest of the school, including providing bonuses to educators.

4275 (5) If the number of qualifying eligible schools exceeds available funds, the board may
4276 reduce the amounts specified in Subsection (3).

4277 (6) A local school board of an eligible school, in coordination with the eligible school's
4278 turnaround committee, may elect to receive a reward under this section or receive funds
4279 described in Section [~~53A-1-1208.1~~] 53E-5-308 but not both.

4280 Section 128. Section **53E-5-308**, which is renumbered from Section 53A-1-1208.1 is
4281 renumbered and amended to read:

4282 [~~53A-1-1208.1~~]. **53E-5-308. Turnaround school teacher recruitment and**
4283 **retention.**

4284 (1) As used in this section, "plan" means a teacher recruitment and retention plan.

4285 (2) On a date specified by the board, a local education board of a low performing
4286 school shall submit to the board for review and approval a plan to address teacher recruitment
4287 and retention in a low performing school.

4288 (3) The board shall:

4289 (a) review a plan submitted under Subsection (2);

4290 (b) approve a plan if the plan meets criteria established by the board in rules made in
4291 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

4292 (c) subject to legislative appropriations, provide funding to a local education board for
4293 teacher recruitment and retention efforts identified in an approved plan if the local education
4294 board provides matching funds in an amount equal to at least the funding the low performing
4295 school would receive from the board.

4296 (4) The money distributed under this section may only be expended to fund teacher
4297 recruitment and retention efforts identified in an approved plan.

4298 Section 129. Section **53E-5-309**, which is renumbered from Section 53A-1-1209 is
4299 renumbered and amended to read:

4300 [~~53A-1-1209~~]. **53E-5-309. School Leadership Development Program.**

4301 (1) As used in this section, "school leader" means a school principal or assistant

4302 principal.

4303 (2) There is created the School Leadership Development Program to increase the
4304 number of highly effective school leaders capable of:

4305 (a) initiating, achieving, and sustaining school improvement efforts; and

4306 (b) forming and sustaining community partnerships as described in Section

4307 [~~53A-4-303~~] 53F-5-402.

4308 (3) The board shall identify one or more providers, through a request for proposals
4309 process, to develop or provide leadership development training for school leaders that:

4310 (a) may provide in-depth training in proven strategies to turn around low performing
4311 schools;

4312 (b) may emphasize hands-on and job-embedded learning;

4313 (c) aligns with the state's leadership standards established by board rule;

4314 (d) reflects the needs of a school district or charter school where a school leader serves;

4315 (e) may include training on using student achievement data to drive decisions;

4316 (f) may develop skills in implementing and evaluating evidence-based instructional
4317 practices;

4318 (g) may develop skills in leading collaborative school improvement structures,
4319 including professional learning communities; and

4320 (h) includes instruction on forming and sustaining community partnerships as
4321 described in Section [~~53A-4-303~~] 53F-5-402.

4322 (4) Subject to legislative appropriations, the State Board of Education shall provide
4323 incentive pay to a school leader who:

4324 (a) completes leadership development training under this section; and

4325 (b) agrees to work, for at least five years, in a school that received an F grade or D
4326 grade under the school accountability system in the school year previous to the first year the
4327 school leader:

4328 (i) completes leadership development training; and

4329 (ii) begins to work, or continues to work, in a school described in this Subsection

4330 (4)(b).

4331 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4332 board shall make rules specifying:

- 4333 (a) eligibility criteria for a school leader to participate in the School Leadership
 4334 Development Program;
- 4335 (b) application procedures for the School Leadership Development Program;
- 4336 (c) criteria for selecting school leaders from the application pool; and
- 4337 (d) procedures for awarding incentive pay under Subsection (4).

4338 Section 130. Section **53E-5-310**, which is renumbered from Section 53A-1-1210 is
 4339 renumbered and amended to read:

4340 ~~[53A-1-1210]~~. **53E-5-310. Reporting requirement.**

4341 On or before November 30 of each year, the board shall report to the Education Interim
 4342 Committee on the provisions of this part.

4343 Section 131. Section **53E-5-311**, which is renumbered from Section 53A-1-1211 is
 4344 renumbered and amended to read:

4345 ~~[53A-1-1211]~~. **53E-5-311. Coordination with the Partnerships for Student**
 4346 **Success Grant Program.**

4347 If a low performing school is a member of a partnership that receives a grant under
 4348 [~~Chapter 4, Part 3,~~] Title 53F, Chapter 5, Part 4, Partnerships for Student Success Grant
 4349 Program, the school turnaround committee shall:

- 4350 (1) coordinate the school turnaround committee's efforts with the efforts of the
 4351 partnership; and
- 4352 (2) ensure that the goals and outcomes of the partnership are aligned with the school
 4353 turnaround plan described in this part.

4354 Section 132. Section **53E-6-101** is enacted to read:

4355 **CHAPTER 6. EDUCATION PROFESSIONAL LICENSURE**

4356 **Part 1. General Provisions**

4357 **53E-6-101. Title.**

4358 This chapter is known as "Education Professional Licensure."

4359 Section 133. Section **53E-6-102**, which is renumbered from Section 53A-6-103 is
 4360 renumbered and amended to read:

4361 ~~[53A-6-103]~~. **53E-6-102. Definitions.**

4362 As used in this chapter:

4363 (1) "Accredited institution" means an institution meeting the requirements of Section
4364 [~~53A-6-107~~] 53E-6-302.

4365 (2) (a) "Alternative preparation program" means preparation for licensure in
4366 accordance with applicable law and rule through other than an approved preparation program.

4367 (b) "Alternative preparation program" includes the competency-based licensing
4368 program described in Section [~~53A-6-104.5~~] 53E-6-306.

4369 (3) "Ancillary requirement" means a requirement established by law or rule in addition
4370 to completion of an approved preparation program or alternative education program or
4371 establishment of eligibility under the NASDTEC Interstate Contract, and may include any of
4372 the following:

4373 (a) minimum grade point average;

4374 (b) standardized testing or assessment;

4375 (c) mentoring;

4376 (d) recency of professional preparation or experience;

4377 (e) graduation from an accredited institution; or

4378 (f) evidence relating to moral, ethical, physical, or mental fitness.

4379 (4) "Approved preparation program" means a program for preparation of educational
4380 personnel offered through an accredited institution in Utah or in a state which is a party to a
4381 contract with Utah under the NASDTEC Interstate Contract and which, at the time the program
4382 was completed by the applicant:

4383 (a) was approved by the governmental agency responsible for licensure of educators in
4384 the state in which the program was provided;

4385 (b) satisfied requirements for licensure in the state in which the program was provided;

4386 (c) required completion of a baccalaureate; and

4387 (d) included a supervised field experience.

4388 (5) "Board" means the State Board of Education.

4389 (6) "Certificate" means a license issued by a governmental jurisdiction outside the
4390 state.

4391 (7) "Core academic subjects" means English, reading or language arts, mathematics,
4392 science, foreign languages, civics and government, economics, arts, history, and geography.

4393 (8) "Educator" means:

- 4394 (a) a person who holds a license;
- 4395 (b) a teacher, counselor, administrator, librarian, or other person required, under rules
4396 of the board, to hold a license; or
- 4397 (c) a person who is the subject of an allegation which has been received by the board or
4398 UPPAC and was, at the time noted in the allegation, a license holder or a person employed in a
4399 position requiring licensure.
- 4400 (9) (a) "Endorsement" means a stipulation appended to a license setting forth the areas
4401 of practice to which the license applies.
- 4402 (b) An endorsement shall be issued upon completion of a competency-based teacher
4403 preparation program from a regionally accredited university that meets state content standards.
- 4404 (10) "License" means an authorization issued by the board which permits the holder to
4405 serve in a professional capacity in the public schools. The five levels of licensure are:
- 4406 (a) "letter of authorization," which is:
- 4407 (i) a temporary license issued to a person who has not completed requirements for a
4408 competency-based, or level 1, 2, or 3 license, such as:
- 4409 (A) a student teacher; or
- 4410 (B) a person participating in an alternative preparation program; or
- 4411 (ii) a license issued, pursuant to board rules, to a person who has achieved eminence,
4412 or has outstanding qualifications, in a field taught in public schools;
- 4413 (b) "competency-based license" which is issued to a teacher based on the teacher's
4414 demonstrated teaching skills and abilities;
- 4415 (c) "level 1 license," which is a license issued upon completion of:
- 4416 (i) a competency-based teacher preparation program from a regionally accredited
4417 university; or
- 4418 (ii) an approved preparation program or an alternative preparation program, or pursuant
4419 to an agreement under the NASDTEC Interstate Contract, to candidates who have also met all
4420 ancillary requirements established by law or rule;
- 4421 (d) "level 2 license," which is a license issued after satisfaction of all requirements for
4422 a level 1 license as well as any additional requirements established by law or rule relating to
4423 professional preparation or experience; and
- 4424 (e) "level 3 license," which is a license issued to an educator who holds a current Utah

4425 level 2 license and has also received, in the educator's field of practice, National Board
4426 certification or a doctorate from an accredited institution.

4427 (11) "NASDTEC" means the National Association of State Directors of Teacher
4428 Education and Certification.

4429 (12) "NASDTEC Interstate Contract" means the contract implementing [~~Title 53A,~~
4430 ~~Chapter 6, Part 2~~] Part 10, Compact for Interstate Qualification of Educational Personnel,
4431 which is administered through NASDTEC.

4432 (13) "National Board certification" means a current certificate issued by the National
4433 Board for Professional Teaching Standards.

4434 [~~(14) "Necessarily existent small school" means a school classified as a necessarily~~
4435 ~~existent small school in accordance with Section 53A-17a-109.]~~

4436 [~~(15)~~] (14) "Rule" means an administrative rule adopted by the board under Title 63G,
4437 Chapter 3, Utah Administrative Rulemaking Act.

4438 [~~(16)~~] (15) "School" means a public or private entity which provides educational
4439 services to a minor child.

4440 [~~(17) "Small school district" means a school district with an enrollment of less than~~
4441 ~~5,000 students.]~~

4442 [~~(18)~~] (16) "UPPAC" means the Utah Professional Practices Advisory Commission.

4443 Section 134. Section **53E-6-103**, which is renumbered from Section 53A-6-102 is
4444 renumbered and amended to read:

4445 [~~53A-6-102~~]. **53E-6-103. Legislative findings on teacher quality --**

4446 **Declaration of education as a profession.**

4447 (1) (a) The Legislature acknowledges that education is perhaps the most important
4448 function of state and local governments, recognizing that the future success of our state and
4449 nation depend in large part upon the existence of a responsible and educated citizenry.

4450 (b) The Legislature further acknowledges that the primary responsibility for the
4451 education of children within the state resides with their parents or guardians and that the role of
4452 state and local governments is to support and assist parents in fulfilling that responsibility.

4453 (2) (a) The Legislature finds that:

4454 (i) quality teaching is the basic building block of successful schools and, outside of
4455 home and family circumstances, the essential component of student achievement;

4456 (ii) the high quality of teachers is absolutely essential to enhance student achievement
4457 and to assure educational excellence in each classroom in the state's public schools; and

4458 (iii) the implementation of a comprehensive continuum of data-driven strategies
4459 regarding recruitment, preservice, licensure, induction, professional development, and
4460 evaluation is essential if the state and its citizens expect every classroom to be staffed by a
4461 skilled, caring, and effective teacher.

4462 (b) In providing for the safe and effective performance of the function of educating
4463 Utah's children, the Legislature further finds it to be of critical importance that education,
4464 including instruction, administrative, and supervisory services, be recognized as a profession,
4465 and that those who are licensed or seek to become licensed and to serve as educators:

4466 (i) meet high standards both as to qualifications and fitness for service as educators
4467 through quality recruitment and preservice programs before assuming their responsibilities in
4468 the schools;

4469 (ii) maintain those standards in the performance of their duties while holding licenses,
4470 in large part through participating in induction and ongoing professional development
4471 programs focused on instructional improvement;

4472 (iii) receive fair, systematic evaluations of their performance at school for the purpose
4473 of enhancing the quality of public education and student achievement; and

4474 (iv) have access to a process for fair examination and review of allegations made
4475 against them and for the administration of appropriate sanctions against those found, in
4476 accordance with due process, to have failed to conduct themselves in a manner commensurate
4477 with their authority and responsibility to provide appropriate professional services to the
4478 children of the state.

4479 Section 135. Section **53E-6-201**, which is renumbered from Section 53A-6-104 is
4480 renumbered and amended to read:

4481 **Part 2. Licensing**

4482 ~~[53A-6-104]~~. **53E-6-201. Board licensure.**

4483 (1) (a) The board may issue licenses for educators.

4484 (b) A person employed in a position that requires licensure by the board shall hold the
4485 appropriate license.

4486 (2) (a) The board may by rule rank, endorse, or otherwise classify licenses and

4487 establish the criteria for obtaining and retaining licenses.

4488 (b) (i) The board shall make rules requiring participation in professional development
4489 activities or compliance with a school district professional development plan as provided in
4490 Subsection (4) in order for educators to retain their licenses.

4491 (ii) An educator who is enrolling in a course of study at an institution within the state
4492 system of higher education to satisfy the professional development requirements of Subsection
4493 (2)(b)(i) is exempt from tuition, except for a semester registration fee established by the State
4494 Board of Regents, if:

4495 (A) the educator is enrolled on the basis of surplus space in the class after regularly
4496 enrolled students have been assigned and admitted to the class in accordance with regular
4497 procedures, normal teaching loads, and the institution's approved budget; and

4498 (B) enrollments are determined by each institution under rules and guidelines
4499 established by the State Board of Regents in accordance with findings of fact that space is
4500 available for the educator's enrollment.

4501 (3) Except as provided in Subsection (4), unless suspended or revoked by the board, or
4502 surrendered by the educator:

4503 (a) a letter of authorization is valid for one year, or a shorter period as specified by the
4504 board, subject to renewal by the board in accordance with board rules;

4505 (b) a competency-based license remains valid;

4506 (c) a level 1 license is valid for three years, subject to renewal by the board in
4507 accordance with board rules;

4508 (d) a level 2 license is valid for five years, subject to renewal by the board in
4509 accordance with board rules; and

4510 (e) a level 3 license is valid for seven years, subject to renewal by the board in
4511 accordance with board rules.

4512 (4) Unless suspended or revoked by the board, or surrendered by the educator, a level
4513 1, level 2, level 3, or competency-based license shall remain valid if:

4514 (a) the license holder is employed by a school district that has a comprehensive
4515 program to maintain and improve educators' skills in which performance standards, educator
4516 evaluation, and professional development are integrated; and

4517 (b) the license holder complies with school or school district professional development

4518 requirements.

4519 Section 136. Section **53E-6-202 (Superseded 07/01/18)**, which is renumbered from
4520 Section 53A-6-104.1 (Superseded 07/01/18) is renumbered and amended to read:

4521 ~~**53A-6-104.1 (Superseded 07/01/18)**~~. **53E-6-202 (Superseded**
4522 **07/01/18)**. **Reinstatement of a license.**

4523 (1) An educator who previously held a license and whose license has expired may have
4524 the license reinstated by:

4525 (a) filing an application with the board on the form prescribed by the board;

4526 (b) paying the fee required by Section 53A-6-105; and

4527 (c) submitting to a criminal background check as required by Section [~~53A-15-1504~~]
4528 53G-11-403.

4529 (2) Upon successful completion of the criminal background check and verification that
4530 the applicant's previous license had not been revoked, suspended, or surrendered, the board
4531 shall reinstate the license.

4532 (3) An educator whose license is reinstated may not be required to obtain professional
4533 development not required of other educators with the same number of years of experience,
4534 except as provided in Subsection (4).

4535 (4) The principal of the school at which an educator whose license is reinstated is
4536 employed shall provide information and training, based on the educator's experience and
4537 education, that will assist the educator in performing the educator's assigned position.

4538 (5) The procedures for reinstating a license as provided in this section do not apply to
4539 an educator's license that expires while the educator is employed in a position requiring the
4540 license.

4541 Section 137. Section **53E-6-202 (Effective 07/01/18)**, which is renumbered from
4542 Section 53A-6-104.1 (Effective 07/01/18) is renumbered and amended to read:

4543 ~~**53A-6-104.1 (Effective 07/01/18)**~~. **53E-6-202 (Effective**
4544 **07/01/18)**. **Reinstatement of a license.**

4545 (1) An educator who previously held a license and whose license has expired may have
4546 the license reinstated by:

4547 (a) filing an application with the board on the form prescribed by the board; and

4548 (b) submitting to a criminal background check as required by Section [~~53A-15-1504~~]

4549 53G-11-403.

4550 (2) Upon successful completion of the criminal background check and verification that
4551 the applicant's previous license had not been revoked, suspended, or surrendered, the board
4552 shall reinstate the license.

4553 (3) An educator whose license is reinstated may not be required to obtain professional
4554 development not required of other educators with the same number of years of experience,
4555 except as provided in Subsection (4).

4556 (4) The principal of the school at which an educator whose license is reinstated is
4557 employed shall provide information and training, based on the educator's experience and
4558 education, that will assist the educator in performing the educator's assigned position.

4559 (5) The procedures for reinstating a license as provided in this section do not apply to
4560 an educator's license that expires while the educator is employed in a position requiring the
4561 license.

4562 Section 138. Section **53E-6-203**, which is renumbered from Section 53A-6-111 is
4563 renumbered and amended to read:

4564 ~~**[53A-6-111].**~~ **53E-6-203. Teacher classifications.**

4565 (1) As used in this section:

4566 (a) "Associate teacher" means a person who does not currently hold a level 1, 2, or 3
4567 license, but is permitted to teach in a public school under another authorization.

4568 (b) "Teacher" means a person who currently holds a level 1, 2, or 3 license.

4569 (2) Each school district and school shall identify and distinguish between teachers and
4570 associate teachers, including using the appropriate title in all communication with parents,
4571 guardians, and members of the public.

4572 (3) Lists of teachers and associate teachers shall be maintained at each school and shall
4573 be available for review by any person upon request.

4574 Section 139. Section **53E-6-301**, which is renumbered from Section 53A-6-106 is
4575 renumbered and amended to read:

4576 **Part 3. Licensing Requirements**

4577 ~~**[53A-6-106].**~~ **53E-6-301. Qualifications of applicants for licenses --**

4578 **Changes in qualifications.**

4579 (1) The board shall establish by rule the scholarship, training, and experience required

4580 of license applicants.

4581 (2) (a) The board shall announce any increase in the requirements when made.

4582 (b) An increase in requirements shall become effective not less than one year from the
4583 date of the announcement.

4584 (3) The board may determine by examination or otherwise the qualifications of license
4585 applicants.

4586 Section 140. Section **53E-6-302**, which is renumbered from Section 53A-6-107 is
4587 renumbered and amended to read:

4588 ~~**53A-6-107**~~. **53E-6-302. Teacher preparation programs.**

4589 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4590 board shall make rules that establish standards for approval of a preparation program or an
4591 alternative preparation program.

4592 (2) The board shall ensure that standards adopted under Subsection (1) meet or exceed
4593 generally recognized national standards for preparation of educators, such as those developed
4594 by the:

4595 (a) Interstate New Teacher Assessment and Support Consortium;

4596 (b) National Board for Professional Teaching Standards; or

4597 (c) Council for the Accreditation of Educator Preparation.

4598 (3) The board shall designate an employee of the board's staff to:

4599 (a) work with education deans of state institutions of higher education to coordinate
4600 on-site monitoring of teacher preparation programs that may include:

4601 (i) monitoring courses for teacher preparation programs;

4602 (ii) working with course instructors for teacher preparation programs; and

4603 (iii) interviewing students admitted to teacher preparation programs;

4604 (b) act as a liaison between:

4605 (i) the board;

4606 (ii) local school boards or charter school governing boards; and

4607 (iii) representatives of teacher preparation programs; and

4608 (c) report the employee's findings and recommendations for the improvement of
4609 teacher preparation programs to:

4610 (i) the board; and

4611 (ii) education deans of state institutions of higher education.

4612 (4) The board shall:

4613 (a) in good faith, consider the findings and recommendations described in Subsection
4614 (3)(c); and

4615 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
4616 make rules, as the board determines is necessary, to implement recommendations described in
4617 Subsection (3)(c).

4618 Section 141. Section **53E-6-303**, which is renumbered from Section 53A-6-108 is
4619 renumbered and amended to read:

4620 ~~[53A-6-108]~~. **53E-6-303. Prohibition on use of degrees or credit from**
4621 **unapproved institutions.**

4622 (1) An individual may not use a postsecondary degree or credit awarded by a
4623 postsecondary institution or program to gain a license, employment, or any other benefit within
4624 the public school system unless the institution or program was, at the time the degree or credit
4625 was awarded:

4626 (a) approved for the granting of the degree or credit by the board; or

4627 (b) accredited by an accrediting organization recognized by the board.

4628 (2) The board may grant an exemption from Subsection (1) to an individual who shows
4629 good cause for the granting of the exemption.

4630 Section 142. Section **53E-6-304**, which is renumbered from Section 53A-6-110 is
4631 renumbered and amended to read:

4632 ~~[53A-6-110]~~. **53E-6-304. Administrative/supervisory letters of**
4633 **authorization.**

4634 (1) A local school board may request, and the board may grant, a letter of authorization
4635 permitting a person with outstanding professional qualifications to serve in any position that
4636 requires a person to hold an administrative/supervisory license or certificate, including
4637 principal, assistant principal, associate principal, vice principal, assistant superintendent,
4638 administrative assistant, director, specialist, or other district position.

4639 (2) The board may grant a letter of authorization permitting a person with outstanding
4640 professional qualifications to serve in a position that requires a person to hold an
4641 administrative/supervisory license or certificate.

4642 Section 143. Section **53E-6-305**, which is renumbered from Section 53A-6-113 is
4643 renumbered and amended to read:

4644 ~~[53A-6-113]~~. **53E-6-305. Alternative preparation program -- Work**
4645 **experience requirement.**

4646 An individual who is employed at least half time in a position for which a teacher's
4647 license is required pursuant to board rule, including a position in an online school or a school
4648 that uses digital technologies for instruction or blended learning, satisfies the work experience
4649 requirement for participation in an alternative preparation program.

4650 Section 144. Section **53E-6-306**, which is renumbered from Section 53A-6-104.5 is
4651 renumbered and amended to read:

4652 ~~[53A-6-104.5]~~. **53E-6-306. Licensing by competency.**

4653 (1) A competency-based license to teach may be issued based on the demonstrated
4654 competence of a teacher as provided in this section.

4655 (2) A local school board or charter school may request, and the board shall grant, upon
4656 receipt of documentation from the local school board or charter school verifying the person's
4657 qualifications as specified in this section, a competency-based license to a person who meets
4658 the qualifications specified in this section and submits to a criminal background check as
4659 required in Section ~~[53A-15-1504]~~ 53G-11-403.

4660 (3) A local school board or charter school may request a competency-based license if
4661 the candidate meets the following qualifications:

4662 (a) a license candidate who teaches one or more core academic subjects in an
4663 elementary school shall:

4664 (i) hold at least a bachelor's degree; and

4665 (ii) have demonstrated, by passing a rigorous state test, subject knowledge and teaching
4666 skills in reading, writing, mathematics, and other areas of the basic elementary school
4667 curriculum;

4668 (b) a license candidate who teaches one or more core academic subjects in a middle or
4669 secondary school shall:

4670 (i) hold at least a bachelor's degree; and

4671 (ii) have demonstrated a high level of competency in each of the academic subjects in
4672 which the teacher teaches by:

4673 (A) passing a rigorous state academic subject test in each of the academic subjects in
4674 which the teacher teaches; or

4675 (B) successful completion, in each of the academic subjects in which the teacher
4676 teaches, of an academic major, a graduate degree, course work equivalent to an undergraduate
4677 academic major, or advanced certification or credentialing; or

4678 (c) a license candidate who teaches subjects other than a core academic subject in an
4679 elementary, middle, or high school shall:

4680 (i) hold a bachelor's degree, associate's degree, or skill certification; and

4681 (ii) have skills, talents, or abilities, as evaluated by the employing entity, that make the
4682 person suited for the teaching position.

4683 (4) A school district or charter school:

4684 (a) shall monitor and assess the performance of each teacher holding a
4685 competency-based license; and

4686 (b) may recommend that the competency-based license holder's training and
4687 assessment be reviewed by the board for a level 1 license.

4688 Section 145. Section **53E-6-307**, which is renumbered from Section 53A-6-404 is
4689 renumbered and amended to read:

4690 ~~[53A-6-404]~~. **53E-6-307**. **Certification in other jurisdictions -- Impact on**
4691 **licensing in Utah.**

4692 (1) An applicant for a license, renewal of a license, or reinstatement of a license shall
4693 provide the administrator of teacher licensing with an affidavit, stating under oath the current
4694 status of any certificate, license, or other authorization required for a professional position in
4695 education, which the applicant holds or has held in any other jurisdiction.

4696 (2) An applicant for a license who has held a teacher's license in any other jurisdiction
4697 or who graduated from an institution of higher education in another state shall also provide the
4698 administrator of teacher licensing with:

4699 (a) a complete listing of the higher education institutions attended by the applicant,
4700 whether the applicant's enrollment or eligibility for completion of a program was terminated by
4701 the institution, and, if so, the reasons for termination;

4702 (b) a complete list of prior school employers; and

4703 (c) a release on a form provided by the administrator permitting the board to obtain

4704 records from other jurisdictions and from institutions of higher education attended by the
 4705 applicant, including expunged or otherwise protected records, relating to any offense described
 4706 substantially in the same language as in Section [~~53A-15-1506~~] 53G-11-405.

4707 (3) If the applicant's certificate, license, or authorization as an educator in any other
 4708 jurisdiction is under investigation, has expired or been surrendered, suspended or revoked, or is
 4709 currently not valid for any other reason, the board may not grant the requested license, renewal,
 4710 or reinstatement until it has received confirmation from the administrator of professional
 4711 certification in that jurisdiction that the applicant would be eligible for certification or licensure
 4712 in that jurisdiction.

4713 (4) The board may not withhold a license for the sole reason that the applicant would
 4714 be ineligible for certification, licensure, or authorization in the jurisdiction referred to in
 4715 Subsection (3) because of failure to meet current requirements in that jurisdiction relating to
 4716 education, time in service, or residence.

4717 Section 146. Section **53E-6-401**, which is renumbered from Section 53A-6-401 is
 4718 renumbered and amended to read:

4719 **Part 4. Background and Employment Checks**

4720 [~~53A-6-401~~]. **53E-6-401. Background checks.**

4721 In accordance with Section [~~53A-15-1504~~] 53G-11-403, the State Board of Education
 4722 shall require a license applicant to submit to a criminal background check and ongoing
 4723 monitoring as a condition for licensing.

4724 Section 147. Section **53E-6-402**, which is renumbered from Section 53A-6-402 is
 4725 renumbered and amended to read:

4726 [~~53A-6-402~~]. **53E-6-402. Board-required licensing or employment**
 4727 **recommendations -- Local public school-required licensing recommendations -- Notice**
 4728 **requirements for affected parties -- Exemption from liability.**

4729 (1) (a) The board shall provide the appropriate administrator of a public or private
 4730 school or of an agency outside the state that is responsible for licensing or certifying
 4731 educational personnel with a recommendation or other information possessed by the board that
 4732 has significance in evaluating the employment or license of:

- 4733 (i) a current or prospective school employee;
- 4734 (ii) an educator or education license holder; or

- 4735 (iii) a license applicant.
- 4736 (b) Information supplied under Subsection (1)(a) shall include:
- 4737 (i) the complete record of a hearing; and
- 4738 (ii) the investigative report for matters that:
- 4739 (A) the educator has had an opportunity to contest; and
- 4740 (B) did not proceed to a hearing.
- 4741 (2) At the request of the board, an administrator of a public school or school district
- 4742 shall, and an administrator of a private school may, provide the board with a recommendation
- 4743 or other information possessed by the school or school district that has significance in
- 4744 evaluating the:
- 4745 (a) license of an educator or education license holder; or
- 4746 (b) potential licensure of a license applicant.
- 4747 (3) If the board decides to deny licensure or to take action against an educator's license
- 4748 based upon information provided under this section, the board shall:
- 4749 (a) give notice of the information to the educator or license applicant; and
- 4750 (b) afford the educator or license applicant an opportunity to respond to the
- 4751 information.
- 4752 (4) A person who, in good faith, provides a recommendation or discloses or receives
- 4753 information under this section is exempt from civil and criminal liability relating to that
- 4754 recommendation, receipt, or disclosure.
- 4755 Section 148. Section **53E-6-403**, which is renumbered from Section 53A-6-403 is
- 4756 renumbered and amended to read:
- 4757 ~~[53A-6-403]~~. **53E-6-403**. **Tie-in with the Criminal Investigations and**
- 4758 **Technical Services Division.**
- 4759 (1) The board shall:
- 4760 (a) designate employees to act, with board supervision, as an online terminal agency
- 4761 with the Department of Public Safety's Criminal Investigations and Technical Services
- 4762 Division under Section 53-10-108; and
- 4763 (b) provide relevant information concerning current or prospective employees or
- 4764 volunteers upon request to other school officials as provided in Section ~~[53A-6-402]~~
- 4765 **53E-6-402**.

4766 (2) The cost of the online service shall be borne by the entity making the inquiry.

4767 Section 149. Section **53E-6-501**, which is renumbered from Section 53A-6-301 is
4768 renumbered and amended to read:

4769 **Part 5. Utah Professional Practices Advisory Commission**

4770 ~~[53A-6-301]~~. **53E-6-501**. **Utah Professional Practices Advisory**

4771 **Commission established.**

4772 The Utah Professional Practices Advisory Commission, UPPAC, is established to assist
4773 and advise the board in matters relating to the professional practices of educators.

4774 Section 150. Section **53E-6-502**, which is renumbered from Section 53A-6-302 is
4775 renumbered and amended to read:

4776 ~~[53A-6-302]~~. **53E-6-502**. **UPPAC members -- Executive secretary.**

4777 (1) UPPAC shall consist of a nonvoting executive secretary and 11 voting members,
4778 nine of whom shall be licensed educators in good standing, and two of whom shall be members
4779 nominated by the education organization within the state that has the largest membership of
4780 parents of students and teachers.

4781 (2) Six of the voting members shall be persons whose primary responsibility is
4782 teaching.

4783 (3) (a) The state superintendent of public instruction shall appoint an employee to serve
4784 as executive secretary.

4785 (b) Voting members are appointed by the superintendent as provided under Section
4786 ~~[53A-6-303]~~ 53E-6-503.

4787 (4) Board employees shall staff UPPAC activities.

4788 Section 151. Section **53E-6-503**, which is renumbered from Section 53A-6-303 is
4789 renumbered and amended to read:

4790 ~~[53A-6-303]~~. **53E-6-503**. **Nominations -- Appointment of commission**
4791 **members -- Reappointments.**

4792 (1) (a) The board shall adopt rules establishing procedures for nominating and
4793 appointing individuals to voting membership on UPPAC.

4794 (b) Nomination petitions must be filed with the state superintendent prior to June 16 of
4795 the year of appointment.

4796 (c) A nominee for appointment as a member of UPPAC as an educator must have been

4797 employed in the representative class in the Utah public school system or a private school
4798 accredited by the board during the three years immediately preceding the date of appointment.

4799 (2) The state superintendent of public instruction shall appoint the members of the
4800 commission.

4801 (3) Appointments begin July 1 and are for terms of three years and until a successor is
4802 appointed.

4803 (4) Terms of office are staggered so that approximately 1/3 of UPPAC members are
4804 appointed annually.

4805 (5) A member may not serve more than two terms.

4806 Section 152. Section **53E-6-504**, which is renumbered from Section 53A-6-304 is
4807 renumbered and amended to read:

4808 ~~[53A-6-304]~~. **53E-6-504. Filling of vacancies.**

4809 (1) A UPPAC vacancy occurs if a member resigns, fails to attend three or more
4810 meetings during a calendar year, or no longer meets the requirements for nomination and
4811 appointment.

4812 (2) If a vacancy occurs, the state superintendent shall appoint a successor to fill the
4813 unexpired term.

4814 (3) If the superintendent does not fill the vacancy within 60 days, the board shall make
4815 the appointment.

4816 (4) Nominations to fill vacancies are submitted to the superintendent in accordance
4817 with procedures established under rules of the board.

4818 Section 153. Section **53E-6-505 (Superseded 07/01/18)**, which is renumbered from
4819 Section 53A-6-305 (Superseded 07/01/18) is renumbered and amended to read:

4820 ~~[53A-6-305 (Superseded 07/01/18)]~~. **53E-6-505 (Superseded 07/01/18).**

4821 **Meetings and expenses of UPPAC members.**

4822 (1) UPPAC shall meet at least quarterly and at the call of the chair or of a majority of
4823 the members.

4824 (2) Members of UPPAC serve without compensation but are allowed reimbursement
4825 for actual and necessary expenses under the rules of the Division of Finance.

4826 (3) The board shall pay reimbursement to UPPAC members out of the Professional
4827 Practices Restricted Subfund in the Uniform School Fund.

4828 Section 154. Section **53E-6-505 (Effective 07/01/18)**, which is renumbered from
4829 Section 53A-6-305 (Effective 07/01/18) is renumbered and amended to read:

4830 ~~**53A-6-305 (Effective 07/01/18)**~~. **53E-6-505 (Effective 07/01/18)**. **Meetings and**
4831 **expenses of UPPAC members.**

4832 (1) UPPAC shall meet at least quarterly and at the call of the chair or of a majority of
4833 the members.

4834 (2) Members of UPPAC serve without compensation but are allowed reimbursement
4835 for actual and necessary expenses under the rules of the Division of Finance.

4836 (3) The board shall pay reimbursement to UPPAC members out of the Education Fund.

4837 Section 155. Section **53E-6-506**, which is renumbered from Section 53A-6-306 is
4838 renumbered and amended to read:

4839 ~~**53A-6-306**~~. **53E-6-506**. **UPPAC duties and procedures.**

4840 (1) The board may direct UPPAC to review a complaint about an educator and
4841 recommend that the board:

4842 (a) dismiss the complaint; or

4843 (b) investigate the complaint in accordance with this section.

4844 (2) (a) The board may direct UPPAC to:

4845 (i) in accordance with this section, investigate a complaint's allegation or decision; or

4846 (ii) hold a hearing.

4847 (b) UPPAC may initiate a hearing as part of an investigation.

4848 (c) Upon completion of an investigation or hearing, UPPAC shall:

4849 (i) provide findings to the board; and

4850 (ii) make a recommendation for board action.

4851 (d) UPPAC may not make a recommendation described in Subsection (2)(c)(ii) to
4852 adversely affect an educator's license unless UPPAC gives the educator an opportunity for a
4853 hearing.

4854 (3) (a) The board may:

4855 (i) select an independent investigator to conduct a UPPAC investigation with UPPAC
4856 oversight; or

4857 (ii) authorize UPPAC to select and oversee an independent investigator to conduct an
4858 investigation.

4859 (b) In conducting an investigation, UPPAC or an independent investigator shall
4860 conduct the investigation independent of and separate from a related criminal investigation.

4861 (c) In conducting an investigation, UPPAC or an independent investigator may:

4862 (i) in accordance with Section [~~53A-6-603~~] 53E-6-606 administer oaths and issue
4863 subpoenas; or

4864 (ii) receive evidence related to an alleged offense, including sealed or expunged
4865 records released to the board under Section 77-40-109.

4866 (d) If UPPAC finds that reasonable cause exists during an investigation, UPPAC may
4867 recommend that the board initiate a background check on an educator as described in Section
4868 [~~53A-15-1504~~] 53G-11-403.

4869 (e) UPPAC has a rebuttable presumption that an educator committed a sexual offense
4870 against a minor child if the educator voluntarily surrendered a license or certificate or allowed a
4871 license or certificate to lapse in the face of a charge of having committed a sexual offense
4872 against a minor child.

4873 (4) The board may direct UPPAC to:

4874 (a) recommend to the board procedures for:

4875 (i) receiving and processing complaints;

4876 (ii) investigating a complaint's allegation or decision;

4877 (iii) conducting hearings; or

4878 (iv) reporting findings and making recommendations to the board for board action;

4879 (b) recommend to the board or a professional organization of educators:

4880 (i) standards of professional performance, competence, and ethical conduct for
4881 educators; or

4882 (ii) suggestions for improvement of the education profession; or

4883 (c) fulfill other duties the board finds appropriate.

4884 (5) UPPAC may not participate as a party in a dispute relating to negotiations between:

4885 (a) a school district and the school district's educators; or

4886 (b) a charter school and the charter school's educators.

4887 (6) The board shall make rules establishing UPPAC duties and procedures.

4888 Section 156. Section **53E-6-601**, which is renumbered from Section 53A-6-601 is
4889 renumbered and amended to read:

4890 **Part 6. License Denial and Discipline**

4891 ~~[53A-6-601].~~ **53E-6-601. Definition.**

4892 As used in this part "hearing" means a proceeding held in accordance with generally
4893 accepted principles of due process and administrative law in which definite issues of fact or of
4894 law are tried before a hearing body, and in which proceeding evidence is presented and
4895 witnesses heard, and in which the party against whom the proceedings are held has a right to:

4896 (1) appear with or without counsel to present evidence, confront and cross-examine
4897 witnesses, or subpoena witnesses; and

4898 (2) obtain a decision based solely upon evidence presented to the hearing body in the
4899 presence of both parties or representatives of both parties, recognizing that presence is satisfied
4900 if a party has been given a reasonable opportunity to attend, even if the party fails to do so.

4901 Section 157. Section **53E-6-602**, which is renumbered from Section 53A-6-307 is
4902 renumbered and amended to read:

4903 ~~[53A-6-307].~~ **53E-6-602. Licensing power of the board -- Licensing final
4904 action -- Appeal rights.**

4905 (1) The board holds the power to license educators.

4906 (2) (a) The board shall take final action with regard to an educator license.

4907 (b) An entity other than the board may not take final action with regard to an educator
4908 license.

4909 (3) (a) In accordance with Subsection (3)(b), a license applicant or an educator may
4910 seek judicial review of a final action made by the board under this chapter.

4911 (b) A license applicant or educator may file a petition for judicial review of the board's
4912 final action if the license applicant or educator files a petition within 30 days after the day on
4913 which the license applicant or educator received notice of the final action.

4914 Section 158. Section **53E-6-603**, which is renumbered from Section 53A-6-405 is
4915 renumbered and amended to read:

4916 ~~[53A-6-405].~~ **53E-6-603. Ineligibility for educator license.**

4917 (1) The board may refuse to issue a license to a license applicant if the board finds
4918 good cause for the refusal, including behavior of the applicant:

4919 (a) found pursuant to a criminal, civil, or administrative matter after reasonable
4920 opportunity for the applicant to contest the allegation; and

- 4921 (b) considered, as behavior of an educator, to be:
- 4922 (i) immoral, unprofessional, or incompetent behavior; or
- 4923 (ii) a violation of standards of ethical conduct, performance, or professional
- 4924 competence.
- 4925 (2) The board may not issue, renew, or reinstate an educator license if the license
- 4926 applicant or educator:
- 4927 (a) was convicted of a felony of a sexual nature;
- 4928 (b) pled guilty to a felony of a sexual nature;
- 4929 (c) entered a plea of no contest to a felony of a sexual nature;
- 4930 (d) entered a plea in abeyance to a felony of a sexual nature;
- 4931 (e) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual
- 4932 Offenses, against a minor child;
- 4933 (f) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a
- 4934 student who is a minor;
- 4935 (g) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a
- 4936 student who is:
- 4937 (i) not a minor; and
- 4938 (ii) enrolled in a school where the license applicant or educator is or was employed; or
- 4939 (h) admits to the board or UPPAC that the license applicant or educator committed
- 4940 conduct that amounts to:
- 4941 (i) a felony of a sexual nature; or
- 4942 (ii) a sexual offense or sexually explicit conduct described in Subsection (2)(e), (f), or
- 4943 (g).
- 4944 (3) If an individual is ineligible for licensure under Subsection (1) or (2), a public
- 4945 school may not:
- 4946 (a) employ the person in the public school; or
- 4947 (b) allow the person to volunteer in the public school.
- 4948 (4) (a) If the board denies licensure under this section, the board shall immediately
- 4949 notify the applicant of:
- 4950 (i) the denial; and
- 4951 (ii) the applicant's right to request a hearing before UPPAC.

4952 (b) Upon receipt of a notice described in Subsection (4)(a), an applicant may, within 30
4953 days after the day on which the applicant received the notice, request a hearing before UPPAC
4954 for the applicant to review and respond to all evidence upon which the board based the denial.

4955 (c) If the board receives a request for a hearing described in Subsection (4)(b), the
4956 board shall direct UPPAC to hold a hearing.

4957 Section 159. Section **53E-6-604**, which is renumbered from Section 53A-6-501 is
4958 renumbered and amended to read:

4959 ~~[53A-6-501]~~. **53E-6-604. Board disciplinary action against an educator.**

4960 (1) (a) The board shall direct UPPAC to investigate an allegation, administrative
4961 decision, or judicial decision that evidences an educator is unfit for duty because the educator
4962 exhibited behavior that:

4963 (i) is immoral, unprofessional, or incompetent; or

4964 (ii) violates standards of ethical conduct, performance, or professional competence.

4965 (b) If the board determines an allegation or decision described in Subsection (1)(a)
4966 does not evidence an educator's unfitness for duty, the board may dismiss the allegation or
4967 decision without an investigation or hearing.

4968 (2) The board shall direct UPPAC to investigate and allow an educator to respond in a
4969 UPPAC hearing if the board receives an allegation that the educator:

4970 (a) was charged with a felony of a sexual nature;

4971 (b) was convicted of a felony of a sexual nature;

4972 (c) pled guilty to a felony of a sexual nature;

4973 (d) entered a plea of no contest to a felony of a sexual nature;

4974 (e) entered a plea in abeyance to a felony of a sexual nature;

4975 (f) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual
4976 Offenses, against a minor child;

4977 (g) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a
4978 student who is a minor; or

4979 (h) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a
4980 student who is:

4981 (i) not a minor; and

4982 (ii) enrolled in a school where the educator is or was employed.

- 4983 (3) Upon notice that an educator allegedly violated Section [~~53A-6-502~~] 53E-6-701,
- 4984 the board shall direct UPPAC to:
- 4985 (a) investigate the alleged violation; and
- 4986 (b) hold a hearing to allow the educator to respond to the allegation.
- 4987 (4) Upon completion of an investigation or hearing described in this section, UPPAC
- 4988 shall:
- 4989 (a) provide findings to the board; and
- 4990 (b) make a recommendation for board action.
- 4991 (5) (a) Except as provided in Subsection (5)(b), upon review of UPPAC's findings and
- 4992 recommendation, the board may:
- 4993 (i) revoke the educator's license;
- 4994 (ii) suspend the educator's license;
- 4995 (iii) restrict or prohibit the educator from renewing the educator's license;
- 4996 (iv) warn or reprimand the educator;
- 4997 (v) enter into a written agreement with the educator that requires the educator to
- 4998 comply with certain conditions;
- 4999 (vi) direct UPPAC to further investigate or gather information; or
- 5000 (vii) take other action the board finds to be appropriate for and consistent with the
- 5001 educator's behavior.
- 5002 (b) Upon review of UPPAC's findings and recommendation, the board shall revoke the
- 5003 license of an educator who:
- 5004 (i) was convicted of a felony of a sexual nature;
- 5005 (ii) pled guilty to a felony of a sexual nature;
- 5006 (iii) entered a plea of no contest to a felony of a sexual nature;
- 5007 (iv) entered a plea in abeyance to a felony of a sexual nature;
- 5008 (v) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual
- 5009 Offenses, against a minor child;
- 5010 (vi) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a
- 5011 student who is a minor;
- 5012 (vii) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a
- 5013 student who is:

5014 (A) not a minor; and
5015 (B) enrolled in a school where the educator is or was employed; or
5016 (viii) admits to the board or UPPAC that the applicant committed conduct that amounts
5017 to:

5018 (A) a felony of a sexual nature; or
5019 (B) a sexual offense or sexually explicit conduct described in Subsection (5)(b)(v), (vi),
5020 or (vii).

5021 (c) The board may not reinstate a revoked license.

5022 (d) Before the board takes adverse action against an educator under this section, the
5023 board shall ensure that the educator had an opportunity for a UPPAC hearing.

5024 Section 160. Section **53E-6-605**, which is renumbered from Section 53A-6-602 is
5025 renumbered and amended to read:

5026 ~~[53A-6-602]~~. **53E-6-605. Designation of hearing officer or panel -- Review**
5027 **of findings.**

5028 (1) UPPAC or a state or local school board charged with responsibility for conducting
5029 a hearing may conduct the hearing itself or appoint a hearing officer or panel to conduct the
5030 hearing and make recommendations concerning findings.

5031 (2) UPPAC or the school board shall review the record of the hearing and the
5032 recommendations, and may obtain and review, in the presence of the parties or their
5033 representatives, additional relevant information, prior to issuing official findings.

5034 (3) UPPAC shall provide a panel of its members to serve as fact finders in a hearing at
5035 the request of the educator who is the subject of the hearing.

5036 Section 161. Section **53E-6-606**, which is renumbered from Section 53A-6-603 is
5037 renumbered and amended to read:

5038 ~~[53A-6-603]~~. **53E-6-606. Administering of oaths -- Issuance of subpoenas.**

5039 (1) UPPAC or a state or local school board charged with responsibility for conducting
5040 an investigation or a hearing under this chapter may administer oaths and issue subpoenas in
5041 connection with the investigation or hearing.

5042 (2) If a hearing is before a hearing officer or panel, the hearing officer or panel may
5043 administer oaths, and the appointing body may issue subpoenas upon the request of the hearing
5044 officer or panel.

5045 (3) Subpoenas shall be enforced upon the petition of the issuing body by the district
5046 court in the jurisdiction where the subpoena was issued, in the same manner as subpoenas
5047 issued by the court.

5048 Section 162. Section **53E-6-607**, which is renumbered from Section 53A-6-604 is
5049 renumbered and amended to read:

5050 ~~[53A-6-604]~~. **53E-6-607**. **Rules for conducting hearings -- Standard of**
5051 **proof.**

5052 (1) The board and each local school board shall adopt rules for the conduct of hearings
5053 to ensure that requirements of due process are met.

5054 (2) An accused party shall be provided not less than 15 days before a hearing with:

5055 (a) notice of the hearing;

5056 (b) the law, rule, or policy alleged to have been violated;

5057 (c) sufficient information about the allegations and the evidence to be presented in
5058 support of the allegations to permit the accused party to prepare a meaningful defense; and

5059 (d) a copy of the rules under which the hearing will be conducted.

5060 (3) If an accused party fails to request a hearing within 30 days after written notice is
5061 sent to the party's address as shown on the records of the local board, for actions taken under
5062 the auspices of a local board, or on the records of the board, for actions taken under the
5063 auspices of the board, then the accused party shall be considered to have waived the right to a
5064 hearing and the action may proceed without further delay.

5065 (4) Hearing fact finders shall use the preponderance of evidence standard in deciding
5066 all questions unless a higher standard is required by law.

5067 (5) Unless otherwise provided in this ~~[title]~~ public education code, the decisions of
5068 state and local boards are final determinations under this section, appealable to the appropriate
5069 court for review.

5070 Section 163. Section **53E-6-701**, which is renumbered from Section 53A-6-502 is
5071 renumbered and amended to read:

5072 **Part 7. Unprofessional and Unlawful Conduct**

5073 ~~[53A-6-502]~~. **53E-6-701**. **Mandatory reporting of physical or sexual abuse**
5074 **of students.**

5075 (1) For purposes of this section, "educator" means, in addition to a person included

5076 under Section [~~53A-6-103~~] 53E-6-102, a person, including a volunteer or temporary employee,
5077 who at the time of an alleged offense was performing a function in a private school for which a
5078 license would be required in a public school.

5079 (2) In addition to any duty to report suspected cases of child abuse or neglect under
5080 Section 62A-4a-403, an educator who has reasonable cause to believe that a student may have
5081 been physically or sexually abused by a school employee shall immediately report the belief
5082 and all other relevant information to the school principal, to the superintendent, or to the board.

5083 (3) A school administrator who has received a report under Subsection (2) or who
5084 otherwise has reasonable cause to believe that a student may have been physically or sexually
5085 abused by an educator shall immediately report that information to the board.

5086 (4) Upon notice that an educator allegedly violated Subsection (2) or (3), the board
5087 shall direct UPPAC to investigate the educator's alleged violation as described in Section
5088 [~~53A-6-501~~] 53E-6-604.

5089 (5) A person who makes a report under this section in good faith shall be immune from
5090 civil or criminal liability that might otherwise arise by reason of that report.

5091 Section 164. Section **53E-6-702**, which is renumbered from Section 53A-6-503 is
5092 renumbered and amended to read:

5093 ~~[53A-6-503]~~. **53E-6-702. Reimbursement of legal fees and costs to**
5094 **educators.**

5095 (1) As used in this section:

5096 (a) "Action" means any action, except those referred to in Section 52-6-201, brought
5097 against an educator by an individual or entity other than:

5098 (i) the entity who licenses the educator; and

5099 (ii) the school district that employs the educator or employed the educator at the time
5100 of the alleged act or omission.

5101 (b) "Educator" means an individual who holds or is required to hold a license under
5102 this chapter and is employed by a school district located within the state.

5103 (c) "School district" includes the Schools for the Deaf and the Blind and the state's
5104 applied technology centers.

5105 (2) Except as otherwise provided in Section 52-6-201, an educator is entitled to recover
5106 reasonable attorneys' fees and costs incurred in the educator's defense against an individual or

5107 entity who initiates an action against the educator if:

5108 (a) the action is brought for any act or omission of the educator during the performance
5109 of the educator's duties within the scope of the educator's employment; and

5110 (b) it is dismissed or results in findings favorable to the educator.

5111 (3) An educator who recovers under this section is also entitled to recover reasonable
5112 attorneys' fees and costs necessarily incurred by the educator in recovering the attorneys' fees
5113 and costs allowed under Subsection (2).

5114 Section 165. Section **53E-6-703**, which is renumbered from Section 53A-3-421 is
5115 renumbered and amended to read:

5116 ~~[53A-3-421]~~. **53E-6-703. Professional competence or performance --**
5117 **Administrative hearing by local school board -- Action on complaint.**

5118 (1) (a) No civil action by or on behalf of a student relating to the professional
5119 competence or performance of a licensed employee of a school district, or to the discipline of
5120 students by a licensed employee, application of in loco parentis, or a violation of ethical
5121 conduct by an employee of a school district, may be brought in a court until at least 60 days
5122 after the filing of a written complaint with the local board of education of the district, or until
5123 findings have been issued by the local board after a hearing on the complaint, whichever is
5124 sooner.

5125 (b) As used in Subsection (1)(a), "in loco parentis" means the power of professional
5126 school personnel to exercise the rights, duties, and responsibilities of a reasonable, responsible
5127 parent in dealing with students in school-related matters.

5128 (c) A parent of a student has standing to file a civil action against an employee who
5129 provides services to a school attended by the student.

5130 (2) Within 15 days of receiving a complaint under Subsection (1), a local school board
5131 may elect to refer the complaint to the State Board of Education.

5132 (3) If a complaint is referred to the board, no civil action may be brought in a court on
5133 matters relating to the complaint until the board has provided a hearing and issued its findings
5134 or until 90 days after the filing of the complaint with the local school board, whichever is
5135 sooner.

5136 Section 166. Section **53E-6-801**, which is renumbered from Section 53A-7-101 is
5137 renumbered and amended to read:

5138 **Part 8. Dispute Resolution for Contract Negotiations**

5139 ~~[53A-7-101]~~. **53E-6-801. Mediation of contract negotiations.**

5140 (1) The president of a professional local organization which represents a majority of
5141 the licensed employees of a school district or the chairman or president of a local school board
5142 may, after negotiating for 90 days, declare an impasse by written notification to the other party
5143 and to the State Board of Education.

5144 (2) The party declaring the impasse may request the state superintendent of public
5145 instruction to appoint a mediator for the purpose of helping to resolve the impasse if the parties
5146 to the dispute have not been able to agree on a third party mediator.

5147 (3) Within five working days after receipt of the written request, the state
5148 superintendent shall appoint a mediator who is mutually acceptable to the local school board
5149 and the professional organization representing a majority of the licensed employees.

5150 (4) The mediator shall meet with the parties, either jointly or separately, and attempt to
5151 settle the impasse.

5152 (5) The mediator may not, without the consent of both parties, make findings of fact or
5153 recommend terms for settlement.

5154 (6) Both parties shall equally share the costs of mediation.

5155 (7) Nothing in this section prevents the parties from adopting a written mediation
5156 procedure other than that provided in this section.

5157 (8) If the parties have a mediation procedure, they shall follow that procedure.

5158 Section 167. Section **53E-6-802**, which is renumbered from Section 53A-7-102 is
5159 renumbered and amended to read:

5160 ~~[53A-7-102]~~. **53E-6-802. Appointment of hearing officer -- Hearing**
5161 **process.**

5162 (1) If a mediator appointed under Section ~~[53A-7-101]~~ 53E-6-801 is unable to effect
5163 settlement of the controversy within 15 working days after his appointment, either party to the
5164 mediation may by written notification to the other party and to the state superintendent of
5165 public instruction request that their dispute be submitted to a hearing officer who shall make
5166 findings of fact and recommend terms of settlement.

5167 (2) Within five working days after receipt of the request, the state superintendent of
5168 public instruction shall appoint a hearing officer who is mutually acceptable to the local school

5169 board and the professional organization representing a majority of the certificated employees.

5170 (3) The hearing officer may not, without consent of both parties, be the same person
5171 who served as mediator.

5172 (4) The hearing officer shall meet with the parties, either jointly or separately, may
5173 make inquiries and investigations, and may issue subpoenas for the production of persons or
5174 documents relevant to all issues in dispute.

5175 (5) The State Board of Education and departments, divisions, authorities, bureaus,
5176 agencies, and officers of the state, local school boards, and the professional organization shall
5177 furnish the hearing officer, on request, all relevant records, documents, and information in their
5178 possession.

5179 (6) If the final positions of the parties are not resolved before the hearing ends, the
5180 hearing officer shall prepare a written report containing the agreements of the parties with
5181 respect to all resolved negotiated contract issues and the positions that the hearing officer
5182 considers appropriate on all unresolved final positions of the parties.

5183 (7) The hearing officer shall submit the report to the parties privately within 10
5184 working days after the conclusion of the hearing or within the date established for the
5185 submission of posthearing briefs, but not later than 20 working days after the hearing officer's
5186 appointment.

5187 (8) Either the hearing officer, the professional organization, or the local board may
5188 make the report public if the dispute is not settled within 10 working days after its receipt from
5189 the hearing officer.

5190 (9) (a) The state superintendent of public instruction may determine the majority status
5191 of any professional organization which requests assistance under this section.

5192 (b) The decision of the superintendent is final unless it is clearly inconsistent with the
5193 evidence.

5194 Section 168. Section **53E-6-901**, which is renumbered from Section 53A-6-109 is
5195 renumbered and amended to read:

5196 **Part 9. Additional Credentials**

5197 **~~[53A-6-109]~~. 53E-6-901. Substitute teachers.**

5198 (1) A substitute teacher need not hold a license to teach, but school districts are
5199 encouraged to hire licensed personnel as substitutes when available.

5200 (2) A person must submit to a background check under Section [~~53A-15-1503~~
5201 53G-11-402 prior to employment as a substitute teacher.

5202 (3) A teacher's position in the classroom may not be filled by an unlicensed substitute
5203 teacher for more than a total of 20 days during any school year unless licensed personnel are
5204 not available.

5205 (4) A person who is ineligible to hold a license for any reason other than professional
5206 preparation may not serve as a substitute teacher.

5207 Section 169. Section **53E-6-902**, which is renumbered from Section 53A-6-115 is
5208 renumbered and amended to read:

5209 ~~[53A-6-115]~~. **53E-6-902. Teacher leaders.**

5210 (1) As used in this section, "teacher" means an educator who has an assignment to
5211 teach in a classroom.

5212 (2) There is created the role of a teacher leader to:

5213 (a) work with a student teacher and a teacher who supervises a student teacher;

5214 (b) assist with the training of a recently hired teacher; and

5215 (c) support school-based professional learning.

5216 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5217 board:

5218 (a) shall make rules that:

5219 (i) define the role of a teacher leader, including the functions described in Subsection

5220 (2); and

5221 (ii) establish the minimum criteria for a teacher to qualify as a teacher leader; and

5222 (b) may make rules that create an endorsement for a teacher leader.

5223 (4) A school district or charter school may assign a teacher to a teacher leader position
5224 without a teacher leader endorsement.

5225 (5) (a) The board shall solicit recommendations from school districts and educators
5226 regarding:

5227 (i) appropriate resources to provide a teacher leader; and

5228 (ii) appropriate ways to compensate a teacher leader.

5229 (b) The board shall report the board's findings and recommendations described in

5230 Subsection (5)(a) to the Education Interim Committee on or before the committee's November

5231 2016 interim meeting.

5232 Section 170. Section **53E-6-903**, which is renumbered from Section 53A-6-116 is
5233 renumbered and amended to read:

5234 ~~**53A-6-116**~~. **53E-6-903**. **JROTC instructors.**

5235 (1) As used in this section:

5236 (a) "Junior Reserve Officer's Training Corps instructor" or "JROTC instructor" means
5237 an individual who:

5238 (i) provides instruction authorized by 10 U.S.C. Sec. 2031; and

5239 (ii) is qualified to provide instruction in accordance with 10 U.S.C. Sec. 2033.

5240 (b) "Junior Reserve Officer's Training Corps program" or "JROTC program" means a
5241 program established in a school district or charter school as described in 10 U.S.C. Sec. 2031.

5242 (2) A school district, a charter school, or the board may not require that a JROTC
5243 instructor hold a license as described in this ~~[part]~~ chapter to teach a course that is part of a
5244 JROTC program.

5245 (3) A JROTC instructor shall submit to a background check under Section
5246 ~~[53A-15-1503]~~ 53G-11-402 as a condition for employment in a school district or charter
5247 school.

5248 Section 171. Section **53E-6-1001**, which is renumbered from Section 53A-6-201 is
5249 renumbered and amended to read:

5250 **Part 10. Compact for Interstate Qualification of Educational Personnel**

5251 ~~**53A-6-201**~~. **53E-6-1001**. **Enactment of compact.**

5252 The Compact for Interstate Qualification of Educational Personnel is hereby enacted
5253 into law and entered into with all other states legally joining therein.

5254 Section 172. Section **53E-6-1002**, which is renumbered from Section 53A-6-202 is
5255 renumbered and amended to read:

5256 ~~**53A-6-202**~~. **53E-6-1002**. **Purpose and intent of compact -- Findings.**

5257 (1) The states party to this compact, desiring by common action to improve their
5258 respective school systems by utilizing the teacher or other professional educational person
5259 wherever educated, declare that it is the policy of each of them, on the basis of cooperation
5260 with one another, to take advantage of the preparation and experience of such persons wherever
5261 gained, thereby serving the best interests of society, of education, and of the teaching

5262 profession. It is the purpose of this compact to provide for the development and execution of
5263 such programs of cooperation as will facilitate the movement of teachers and other professional
5264 educational personnel among the states party to it, and to authorize specific interstate
5265 educational personnel contracts to achieve that end.

5266 (2) The party states find that included in the large movement of population among all
5267 sections of the nation are many qualified educational personnel who move for family and other
5268 personal reasons but who are hindered in using their professional skill and experience in their
5269 new locations. Variations from state to state in requirements for qualifying educational
5270 personnel discourage such personnel from taking the steps necessary to qualify in other states.
5271 As a consequence, a significant number of professionally prepared and experienced educators
5272 is lost to our school systems. Facilitating the employment of qualified educational personnel,
5273 without reference to their states of origin, can increase the available educational resources.
5274 Participation in this compact can increase the availability of educational manpower.

5275 Section 173. Section **53E-6-1003**, which is renumbered from Section 53A-6-203 is
5276 renumbered and amended to read:

5277 ~~[53A-6-203]~~. **53E-6-1003. Definitions.**

5278 As used in this compact and contracts made pursuant to it:

5279 (1) The words "educational personnel" mean persons who must meet requirements
5280 pursuant to state law as a condition of employment in educational programs.

5281 (2) The words "designated state official" mean the education official of a state selected
5282 by that state to negotiate and enter into, on behalf of his state, contracts pursuant to this
5283 compact.

5284 (3) The word "accept," or any variant thereof, means to recognize and give effect to
5285 one or more determinations of another state relating to the qualifications of educational
5286 personnel in lieu of making or requiring a like determination that would otherwise be required
5287 by or pursuant to the laws of a receiving state.

5288 (4) The word "state" means a state, territory, or possession of the United States; the
5289 District of Columbia; or the Commonwealth of Puerto Rico.

5290 (5) The words "originating state" mean a state, and the subdivision thereof, if any,
5291 whose determination that certain educational personnel are qualified to be employed for
5292 specific duties in schools is acceptable in accordance with the terms of a contract made

5293 pursuant to Section [~~53A-6-204~~] 53E-6-1004.

5294 (6) The words "receiving state" mean a state, and the subdivisions thereof, which
5295 accept educational personnel in accordance with the terms of a contract made under Section
5296 [~~53A-6-204~~] 53E-6-1004.

5297 Section 174. Section **53E-6-1004**, which is renumbered from Section 53A-6-204 is
5298 renumbered and amended to read:

5299 ~~[53A-6-204]~~. **53E-6-1004**. **Contracts for acceptance of educational**
5300 **personnel.**

5301 (1) The designated state official of a party state may make one or more contracts on
5302 behalf of his state with one or more other party states providing for the acceptance of
5303 educational personnel. Any such contract for the period of its duration shall be applicable to
5304 and binding on the states whose designated state officials enter into it, and the subdivisions of
5305 those states, with the same force and effect as if incorporated in this compact. A designated
5306 state official may enter into a contract pursuant to this section only with states in which he
5307 finds that there are programs of education, certification standards or other acceptable
5308 qualifications that assure preparation or qualification of educational personnel on a basis
5309 sufficiently comparable, even though not identical to that prevailing in his own state.

5310 (2) Any such contract shall provide for:

5311 (a) its duration;

5312 (b) the criteria to be applied by an originating state in qualifying educational personnel
5313 for acceptance by a receiving state;

5314 (c) such waivers, substitutions, and conditional acceptances as shall aid the practical
5315 effectuation of the contract without sacrifice of basic educational standards; and

5316 (d) any other necessary matters.

5317 (3) No contract made pursuant to this compact shall be for a term longer than five years
5318 but any such contract may be renewed for like or lesser periods.

5319 (4) Any contract dealing with acceptance of educational personnel on the basis of their
5320 having completed an educational program shall specify the earliest date or dates on which
5321 originating state approval of the program or programs involved can have occurred. No contract
5322 made pursuant to this compact shall require acceptance by a receiving state of any persons
5323 qualified because of successful completion of a program prior to January 1, 1954.

5324 (5) The certification or other acceptance of a person who has been accepted pursuant to
5325 the terms of a contract shall not be revoked or otherwise impaired because the contract has
5326 expired or been terminated. However, any certificate or other qualifying document may be
5327 revoked or suspended on any ground which would be sufficient for revocation or suspension of
5328 a certificate or other qualifying document initially granted or approved in the receiving state.

5329 (6) A contract committee composed of the designated state officials of the contracting
5330 states or their representatives shall keep the contract under continuous review, study means of
5331 improving its administration, and report no less frequently than once a year to the heads of the
5332 appropriate education agencies of the contracting states.

5333 Section 175. Section **53E-6-1005**, which is renumbered from Section 53A-6-205 is
5334 renumbered and amended to read:

5335 **[53A-6-205]. 53E-6-1005. Effect of compact on other state laws and**
5336 **regulations.**

5337 (1) Nothing in this compact shall be construed to repeal or otherwise modify any law or
5338 regulation of a party state relating to the approval of programs of educational preparation
5339 having effect solely on the qualification of educational personnel within that state.

5340 (2) To the extent that contracts made pursuant to this compact deal with the
5341 educational requirements for the proper qualification of educational personnel, acceptance of a
5342 program of educational preparation shall be in accordance with such procedures and
5343 requirements as may be provided in the applicable contract.

5344 Section 176. Section **53E-6-1006**, which is renumbered from Section 53A-6-206 is
5345 renumbered and amended to read:

5346 **[53A-6-206]. 53E-6-1006. Agreement by party states.**

5347 The party states agree that:

5348 (1) They will, so far as practicable, prefer the making of multi-lateral contracts
5349 pursuant to Section ~~[53A-6-204]~~ 53E-6-1004 of this compact.

5350 (2) They will facilitate and strengthen cooperation in interstate certification and other
5351 elements of educational personnel qualification and for this purpose shall cooperate with
5352 agencies, organizations, and associations interested in certification and other elements of
5353 educational personnel qualification.

5354 Section 177. Section **53E-6-1007**, which is renumbered from Section 53A-6-207 is

5355 renumbered and amended to read:

5356 ~~[53A-6-207].~~ **53E-6-1007. Evaluation of compact.**

5357 The designated state officials of any party states may meet from time to time as a group
5358 to evaluate progress under the compact, and to formulate recommendations for changes.

5359 Section 178. Section **53E-6-1008**, which is renumbered from Section 53A-6-208 is
5360 renumbered and amended to read:

5361 ~~[53A-6-208].~~ **53E-6-1008. Scope of compact.**

5362 Nothing in this compact shall be construed to prevent or inhibit other arrangements or
5363 practices of any party state or states to facilitate the interchange of educational personnel.

5364 Section 179. Section **53E-6-1009**, which is renumbered from Section 53A-6-209 is
5365 renumbered and amended to read:

5366 ~~[53A-6-209].~~ **53E-6-1009. Effective date -- Withdrawal from compact --**
5367 **Continuing obligations.**

5368 (1) This compact shall become effective when enacted into law by two states.

5369 Thereafter it shall become effective as to any state upon its enactment of this compact.

5370 (2) Any party state may withdraw from this compact by enacting a statute repealing the
5371 same, but no such withdrawal shall take effect until one year after the governor of the
5372 withdrawing state has given notice in writing of the withdrawal to the governors of all other
5373 party states.

5374 (3) No withdrawal shall relieve the withdrawing state of any obligation imposed upon
5375 it by a contract to which it is a party. The duration of contracts and the methods and conditions
5376 of withdrawal therefrom shall be those specified in their terms.

5377 Section 180. Section **53E-6-1010**, which is renumbered from Section 53A-6-210 is
5378 renumbered and amended to read:

5379 ~~[53A-6-210].~~ **53E-6-1010. Construction of compact.**

5380 This compact shall be liberally construed so as to effectuate the purposes of it. The
5381 provisions of this compact shall be severable and if any phrase, clause, sentence or provision of
5382 this compact is declared to be contrary to the constitution of any state or of the United States,
5383 or the application thereof to any government, agency, person, or circumstance is held invalid,
5384 the validity of the remainder of this compact and the applicability thereof to any government,
5385 agency, person, or circumstance shall not be affected thereby. If this compact is held contrary

5386 to the constitution of any state participating therein, the compact shall remain in full force and
5387 effect as to the state affected as to all severable matters.

5388 Section 181. Section **53E-6-1011**, which is renumbered from Section 53A-6-211 is
5389 renumbered and amended to read:

5390 ~~[53A-6-211]~~. **53E-6-1011**. **Superintendent of public instruction as**
5391 **designated state official.**

5392 The designated state official for the state of Utah is the superintendent of public
5393 instruction.

5394 Section 182. Section **53E-7-101** is enacted to read:

5395 **CHAPTER 7. SPECIAL EDUCATION**

5396 **Part 1. General Provisions**

5397 **53E-7-101**. **Title.**

5398 This chapter is known as "Special Education."

5399 Section 183. Section **53E-7-201** is enacted to read:

5400 **Part 2. Special Education Program**

5401 **53E-7-201**. **Definitions.**

5402 Reserved

5403 Section 184. Section **53E-7-202**, which is renumbered from Section 53A-15-301 is
5404 renumbered and amended to read:

5405 ~~[53A-15-301]~~. **53E-7-202**. **Education programs for students with disabilities**
5406 **-- Supervision by the State Board of Education -- Enforcement.**

5407 (1) (a) All students with disabilities, who are between the ages of three and 22 and
5408 have not graduated from high school with a regular diploma, are entitled to a free, appropriate
5409 public education.

5410 (b) For purposes of Subsection (1)(a), if a student with a disability turns 22 during the
5411 school year, the entitlement extends to the:

5412 (i) beginning of the school's winter holiday for those who turn 22 on or after the
5413 beginning of the school year and before December 31; and

5414 (ii) end of the school year for those who turn 22 after December 31 and before the end
5415 of the school year.

5416 (c) The State Board of Education shall adopt rules consistent with applicable state and
5417 federal law to implement this [~~chapter~~] part.

5418 (2) The rules adopted by the state board shall include the following:

5419 (a) appropriate and timely identification of students with disabilities;

5420 (b) diagnosis, evaluation, and classification by qualified personnel;

5421 (c) standards for classes and services;

5422 (d) provision for multidistrict programs;

5423 (e) provision for delivery of service responsibilities;

5424 (f) certification and qualifications for instructional staff; and

5425 (g) services for dual enrollment students attending public school on a part-time basis

5426 under Section [~~53A-11-102.5~~] 53G-6-702.

5427 (3) (a) The state board shall have general control and supervision over all educational
5428 programs for students within the state who have disabilities.

5429 (b) Those programs must comply with rules adopted by the state board under this
5430 section.

5431 (4) The state superintendent of public instruction shall enforce this [~~chapter~~] part.

5432 Section 185. Section **53E-7-203**, which is renumbered from Section 53A-15-302 is
5433 renumbered and amended to read:

5434 [~~53A-15-302~~]. **53E-7-203. State director of special education --**

5435 **Qualifications -- Duties.**

5436 (1) The State Board of Education shall appoint a state director of special education,
5437 who shall be qualified and experienced in the area of special education.

5438 (2) The state director has the following duties and responsibilities:

5439 (a) to assist the state board and state superintendent of public instruction in performing
5440 their duties under this [~~chapter~~] part;

5441 (b) to encourage and assist school districts and other authorized public agencies in the
5442 organization of programs for students with disabilities;

5443 (c) to provide general supervision over all public programs offered through a public
5444 school, public agency, public institution, or private agency for students with disabilities;

5445 (d) to cooperate with private schools and other private agencies concerned with
5446 educating and training students with disabilities; and

5447 (e) to coordinate all state programs for students with disabilities.

5448 Section 186. Section **53E-7-204**, which is renumbered from Section 53A-15-303 is
5449 renumbered and amended to read:

5450 ~~[53A-15-303]~~. **53E-7-204. School district responsibility -- Reimbursement**
5451 **of costs -- Other programs.**

5452 (1) (a) Each school district shall provide, either singly or in cooperation with other
5453 school districts or public institutions, a free, appropriate education program for all students
5454 with disabilities who are residents of the district.

5455 (b) The program shall include necessary special facilities, instruction, and
5456 education-related services.

5457 (c) The costs of a district's program, or a district's share of a joint program, shall be
5458 paid from district funds.

5459 (2) School districts that provide special education services under this ~~[chapter]~~ part in
5460 accordance with applicable rules of the State Board of Education shall receive reimbursement
5461 from the board under ~~[Title 53A, Chapter 17a, Minimum School Program Act,]~~ Title 53F,
5462 Chapter 2, State Funding -- Minimum School Program, and other applicable laws.

5463 (3) (a) A school district may, singly or in cooperation with other public entities,
5464 provide education and training for persons with disabilities who are younger than three or older
5465 than 22 consistent with Subsection ~~[53A-15-304]~~ 53E-7-202(1).

5466 (b) The cost of such a program may be paid from fees, contributions, and other funds
5467 received by the district for support of the program, but may not be paid from public education
5468 funds.

5469 Section 187. Section **53E-7-205**, which is renumbered from Section 53A-15-303.5 is
5470 renumbered and amended to read:

5471 ~~[53A-15-303.5]~~. **53E-7-205. Participation of students with a disability in**
5472 **extracurricular activities.**

5473 (1) A student with a disability may not be denied the opportunity of participating in
5474 public school programs or extracurricular activities solely because of the student's age, unless
5475 the participation threatens the health or safety of the student.

5476 (2) The school district in cooperation with the Utah Department of Health shall
5477 establish criteria used to determine the health and safety factor.

5478 (3) Subsection (1) applies to a student who:

5479 (a) has not graduated from high school with a regular diploma; and

5480 (b) is under the age of 20, if participation is recommended by the student's

5481 individualized education program team.

5482 Section 188. Section **53E-7-206**, which is renumbered from Section 53A-15-304 is

5483 renumbered and amended to read:

5484 ~~[53A-15-304].~~ **53E-7-206. Services provided by Department of Health.**

5485 The Department of Health shall provide diagnostic and evaluation services, which are

5486 required by state or federal law but are not typically otherwise provided by school districts, to

5487 students with disabilities.

5488 Section 189. Section **53E-7-207**, which is renumbered from Section 53A-15-304.5 is

5489 renumbered and amended to read:

5490 ~~[53A-15-304.5].~~ **53E-7-207. Special education assessments for children in the**

5491 **custody of the Division of Child and Family Services.**

5492 Each school district shall provide an initial special education assessment for children

5493 who enter the custody of the Division of Child and Family Services, upon request by that

5494 division, for children whose school records indicate that they may have disabilities requiring

5495 special education services. The assessment shall be conducted within 30 days of the request by

5496 the Division of Child and Family Services.

5497 Section 190. Section **53E-7-208**, which is renumbered from Section 53A-15-305 is

5498 renumbered and amended to read:

5499 ~~[53A-15-305].~~ **53E-7-208. Resolution of disputes in special education --**

5500 **Hearing request -- Timelines -- Levels -- Appeal process -- Recovery of costs.**

5501 (1) The Legislature finds that it is in the best interest of students with disabilities to

5502 provide for a prompt and fair final resolution of disputes which may arise over educational

5503 programs and rights and responsibilities of students with disabilities, their parents, and the

5504 public schools.

5505 (2) Therefore, the State Board of Education shall adopt rules meeting the requirements

5506 of 20 U.S.C. Section 1415 governing the establishment and maintenance of procedural

5507 safeguards for students with disabilities and their parents or guardians as to the provision of

5508 free, appropriate public education to those students.

5509 (3) The timelines established by the board shall provide adequate time to address and
 5510 resolve disputes without unnecessarily disrupting or delaying the provision of free, appropriate
 5511 public education for students with disabilities.

5512 (4) Prior to seeking a hearing or other formal proceedings, the parties to a dispute
 5513 under this section shall make a good faith effort to resolve the dispute informally at the school
 5514 building level.

5515 (5) (a) If the dispute is not resolved under Subsection (4), a party may request a due
 5516 process hearing.

5517 (b) The hearing shall be conducted under rules adopted by the board in accordance
 5518 with 20 U.S.C. Section 1415.

5519 (6) (a) A party to the hearing may appeal the decision issued under Subsection (5) to a
 5520 court of competent jurisdiction under 20 U.S.C. Section 1415(i).

5521 (b) The party must file the judicial appeal within 30 days after issuance of the due
 5522 process hearing decision.

5523 (7) If the parties fail to reach agreement on payment of attorney fees, then a party
 5524 seeking recovery of attorney fees under 20 U.S.C. Section 1415(i) for a special education
 5525 administrative action shall file a court action within 30 days after issuance of a decision under
 5526 Subsection (5).

5527 Section 191. Section **53E-7-301**, which is renumbered from Section 53A-25a-102 is
 5528 renumbered and amended to read:

5529 **Part 3. Braille Requirements for Blind Students**

5530 ~~[53A-25a-102].~~ **53E-7-301. Definitions.**

5531 As used in this [chapter] part:

5532 (1) "Blind student" means an individual between ages three through 21 who is eligible
 5533 for special education services and who:

5534 (a) has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a
 5535 limited field of vision such that the widest diameter subtends an angular distance no greater
 5536 than 20 degrees;

5537 (b) has a medically indicated expectation of visual deterioration; or

5538 (c) has functional blindness.

5539 (2) "Braille" means the system of reading and writing through touch, commonly known

5540 as English Braille.

5541 (3) "Functional blindness" means a visual impairment that renders a student unable to
5542 read or write print at a level commensurate with the student's cognitive abilities.

5543 (4) "Individualized education program" or "IEP" means a written statement developed
5544 for a student eligible for special education services pursuant to the Individuals with Disabilities
5545 Education Act, 20 U.S.C. Section 1414(d).

5546 Section 192. Section **53E-7-302**, which is renumbered from Section 53A-25a-103 is
5547 renumbered and amended to read:

5548 ~~[53A-25a-103]~~. **53E-7-302. Braille skills assessment -- Development of**
5549 **individualized education program.**

5550 (1) Any assessment required for a blind student shall include a Braille-related or Braille
5551 skills assessment, including a statement of the individual's present level of performance.

5552 (2) (a) Prior to determining whether a blind student should use Braille as the primary
5553 reading mode, the student's IEP team must be provided with detailed information about the use
5554 and efficiency of Braille as a reading medium.

5555 (b) The team shall acquire the information through pertinent literature or discussions
5556 with competent Braille users and educators, or both, in order to make an informed choice as to
5557 the student's primary reading mode.

5558 (3) In developing an IEP for each blind student, there is a presumption that proficiency
5559 in Braille is essential for the student to achieve satisfactory educational progress.

5560 (4) The use of and instruction in Braille are not required under this section if, in the
5561 course of developing the student's IEP, the team determines that the student's visual impairment
5562 does not significantly affect reading and writing performance commensurate with ability.

5563 (5) Nothing in this section requires the exclusive use of Braille if other special
5564 education services are appropriate to meet the student's educational needs.

5565 (6) The provision of other appropriate special education services does not preclude the
5566 use of Braille or Braille instruction.

5567 Section 193. Section **53E-7-303**, which is renumbered from Section 53A-25a-104 is
5568 renumbered and amended to read:

5569 ~~[53A-25a-104]~~. **53E-7-303. Instruction in reading and writing of Braille.**

5570 (1) Instruction in the reading and writing of Braille shall be sufficient to enable each

5571 blind student to communicate effectively and efficiently with the same level of proficiency
5572 expected of the student's peers of comparable ability and grade level.

5573 (2) The student's IEP shall specify:

5574 (a) the results obtained from the skills assessment required under Section

5575 [~~53A-25a-103~~] 53E-7-302;

5576 (b) the manner in which Braille is to be implemented as a reading mode for learning in
5577 other academic activities;

5578 (c) the date on which Braille instruction shall begin;

5579 (d) the length of the period of instruction and the frequency and duration of each
5580 instructional session;

5581 (e) the projected level of competency in the reading and writing of Braille to be
5582 achieved by the end of the IEP period and the objective assessment measures to be used; and

5583 (f) if a decision has been made under Section [~~53A-25a-103~~] 53E-7-302 that Braille
5584 instruction or use is not required for the student:

5585 (i) a statement that the decision was reached after fully complying with Subsection
5586 [~~53A-25a-103~~] 53E-7-302(2); and

5587 (ii) a statement of the reasons for choosing another reading mode.

5588 Section 194. Section **53E-7-304**, which is renumbered from Section 53A-25a-105 is
5589 renumbered and amended to read:

5590 [~~53A-25a-105~~]. **53E-7-304. Braille versions of textbooks.**

5591 (1) As a condition of the annual contract for instructional materials process and as a
5592 condition of textbook acceptance, the State Board of Education shall require publishers of
5593 textbooks recommended by the board to furnish, on request, their textbooks and related
5594 instructional materials in an electronic file set, in conformance with the National Instructional
5595 Materials Accessibility Standard, from which Braille versions of all or part of the textbook and
5596 related instructional materials can be produced.

5597 (2) When Braille translation software for specialty code translation becomes available,
5598 publishers shall furnish, on request, electronic file sets, in conformance with the National
5599 Instructional Materials Accessibility Standard, for nonliterary subjects such as mathematics and
5600 science.

5601 Section 195. Section **53E-7-305**, which is renumbered from Section 53A-25a-106 is

5602 renumbered and amended to read:

5603 ~~[53A-25a-106]~~. **53E-7-305. Licensing of teachers.**

5604 (1) As part of the licensing process, teachers licensed in the education of blind and
5605 visually impaired students shall demonstrate their competence in reading and writing Braille.

5606 (2) (a) The State Board of Education shall adopt procedures to assess the competencies
5607 referred to in Subsection (1), consistent with standards adopted by the National Library Service
5608 for the Blind and Physically Handicapped.

5609 (b) The board shall require teachers of the blind to meet the standards referred to in
5610 Subsection (2)(a).

5611 Section 196. Section **53E-8-101** is enacted to read:

5612 **CHAPTER 8. UTAH SCHOOLS FOR THE DEAF AND THE BLIND**

5613 **Part 1. General Provisions**

5614 **53E-8-101. Title.**

5615 This chapter is known as "Utah Schools for the Deaf and the Blind."

5616 Section 197. Section **53E-8-102**, which is renumbered from Section 53A-25b-102 is
5617 renumbered and amended to read:

5618 ~~[53A-25b-102]~~. **53E-8-102. Definitions.**

5619 As used in this chapter:

5620 (1) "Advisory council" means the Advisory Council for the Utah Schools for the Deaf
5621 and the Blind.

5622 (2) "Alternate format" includes braille, audio, or digital text, or large print.

5623 (3) "Associate superintendent" means:

5624 (a) the associate superintendent of the Utah School for the Deaf; or

5625 (b) the associate superintendent of the Utah School for the Blind.

5626 (4) "Blind" means:

5627 (a) if the person is three years of age or older but younger than 22 years of age, having
5628 a visual impairment that, even with correction, adversely affects educational performance or
5629 substantially limits one or more major life activities; and

5630 (b) if the person is younger than three years of age, having a visual impairment.

5631 (5) "Blindness" means an impairment in vision in which central visual acuity:

5632 (a) does not exceed 20/200 in the better eye with correcting lenses; or

5633 (b) is accompanied by a limit to the field of vision in the better eye to such a degree
5634 that its widest diameter subtends an angle of no greater than 20 degrees.

5635 (6) "Board" means the State Board of Education.

5636 (7) "Cortical visual impairment" means a neurological visual disorder:

5637 (a) that:

5638 (i) affects the visual cortex or visual tracts of the brain;

5639 (ii) is caused by damage to the visual pathways to the brain;

5640 (iii) affects a person's visual discrimination, acuity, processing, and interpretation; and

5641 (iv) is often present in conjunction with other disabilities or eye conditions that cause
5642 visual impairment; and

5643 (b) in which the eyes and optic nerves of the affected person appear normal and the
5644 person's pupil responses are normal.

5645 (8) "Deaf" means:

5646 (a) if the person is three years of age or older but younger than 22 years of age, having
5647 hearing loss, whether permanent or fluctuating, that, even with amplification, adversely affects
5648 educational performance or substantially limits one or more major life activities; and

5649 (b) if the person is younger than three years of age, having hearing loss.

5650 (9) "Deafblind" means:

5651 (a) if the person is three years of age or older but younger than 22 years of age:

5652 (i) deaf;

5653 (ii) blind; and

5654 (iii) having hearing loss and visual impairments that cause such severe communication
5655 and other developmental and educational needs that the person cannot be accommodated in
5656 special education programs solely for students who are deaf or blind; or

5657 (b) if the person is younger than three years of age, having both hearing loss and vision
5658 impairments that are diagnosed as provided in Section ~~[53A-25b-301]~~ 53E-8-401.

5659 (10) "Deafness" means a hearing loss so severe that the person is impaired in
5660 processing linguistic information through hearing, with or without amplification.

5661 (11) "Educator" means a person who holds:

5662 (a) (i) a license issued under ~~[Title 53A, Chapter 6, Educator Licensing and~~
5663 ~~Professional Practices Act]~~ Chapter 6, Education Professional Licensure; and

- 5664 (ii) a position as:
- 5665 (A) a teacher;
- 5666 (B) a speech pathologist;
- 5667 (C) a librarian or media specialist;
- 5668 (D) a preschool teacher;
- 5669 (E) a guidance counselor;
- 5670 (F) a school psychologist;
- 5671 (G) an audiologist; or
- 5672 (H) an orientation and mobility specialist; or
- 5673 (b) (i) a bachelor's degree or higher;
- 5674 (ii) credentials from the governing body of the professional's area of practice; and
- 5675 (iii) a position as:
- 5676 (A) a Parent Infant Program consultant;
- 5677 (B) a deafblind consultant;
- 5678 (C) a school nurse;
- 5679 (D) a physical therapist;
- 5680 (E) an occupational therapist;
- 5681 (F) a social worker; or
- 5682 (G) a low vision specialist.
- 5683 (12) "Functional blindness" means a disorder in which the physical structures of the
- 5684 eye may be functioning, but the person does not attend to, examine, utilize, or accurately
- 5685 process visual information.
- 5686 (13) "Functional hearing loss" means a central nervous system impairment that results
- 5687 in abnormal auditory perception, including an auditory processing disorder or auditory
- 5688 neuropathy/dys-synchrony, in which parts of the auditory system may be functioning, but the
- 5689 person does not attend to, respond to, localize, utilize, or accurately process auditory
- 5690 information.
- 5691 (14) "Hard of hearing" means having a hearing loss, excluding deafness.
- 5692 (15) "Individualized education program" or "IEP" means:
- 5693 (a) a written statement for a student with a disability that is developed, reviewed, and
- 5694 revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec.

5695 1400 et seq.; or

5696 (b) an individualized family service plan developed:

5697 (i) for a child with a disability who is younger than three years of age; and

5698 (ii) in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec.

5699 1400 et seq.

5700 (16) "LEA" means a local education agency that has administrative control and
5701 direction for public education.

5702 (17) "LEA of record" means the school district of residence of a student as determined
5703 under Section [~~53A-2-201~~] 53G-6-302.

5704 (18) "Low vision" means an impairment in vision in which:

5705 (a) visual acuity is at 20/70 or worse; or

5706 (b) the visual field is reduced to less than 20 degrees.

5707 (19) "Parent Infant Program" means a program at the Utah Schools for the Deaf and the
5708 Blind that provides services:

5709 (a) through an interagency agreement with the Department of Health to children
5710 younger than three years of age who are deaf, blind, or deafblind; and

5711 (b) to children younger than three years of age who are deafblind through Deafblind
5712 Services of the Utah Schools for the Deaf and the Blind.

5713 (20) "Section 504" means Section 504 of the Rehabilitation Act of 1973.

5714 (21) "Section 504 accommodation plan" means a plan developed pursuant to Section
5715 504 of the Rehabilitation Act of 1973, as amended, to provide appropriate accommodations to
5716 an individual with a disability to ensure access to major life activities.

5717 (22) "Superintendent" means the superintendent of the Utah Schools for the Deaf and
5718 the Blind.

5719 (23) "Visual impairment" includes partial sightedness, low vision, blindness, cortical
5720 visual impairment, functional blindness, and degenerative conditions that lead to blindness or
5721 severe loss of vision.

5722 Section 198. Section **53E-8-201**, which is renumbered from Section 53A-25b-103 is
5723 renumbered and amended to read:

5724 **Part 2. Organization, Powers, and Duties**

5725 [~~53A-25b-103~~]. **53E-8-201**. Utah Schools for the Deaf and the Blind created

5726 -- **Designated LEA -- Services statewide.**

5727 (1) The Utah Schools for the Deaf and the Blind is created as a single public school
5728 agency that includes:

- 5729 (a) the Utah School for the Deaf;
5730 (b) the Utah School for the Blind;
5731 (c) programs for students who are deafblind; and
5732 (d) the Parent Infant Program.

5733 (2) Under the general control and supervision of the board, consistent with the board's
5734 constitutional authority, the Utah Schools for the Deaf and the Blind:

- 5735 (a) may provide services to students statewide:
5736 (i) who are deaf, blind, or deafblind; or
5737 (ii) who are neither deaf, blind, nor deafblind, if allowed under rules of the board
5738 established pursuant to Section [~~53A-25b-301~~] 53E-8-401; and

5739 (b) shall serve as the designated LEA for a student and assume the responsibilities of
5740 providing services as prescribed through the student's IEP or Section 504 accommodation plan
5741 when the student's LEA of record, parent or legal guardian, and the Utah Schools for the Deaf
5742 and the Blind determine that the student be placed at the Utah Schools for the Deaf and the
5743 Blind.

5744 (3) When the Utah Schools for the Deaf and the Blind becomes a student's designated
5745 LEA, the LEA of record and the Utah Schools for the Deaf and the Blind shall ensure that all
5746 rights and requirements regarding individual student assessment, eligibility, services,
5747 placement, and procedural safeguards provided through the Individuals with Disabilities
5748 Education Act, 20 U.S.C. Sec. 1400 et seq. and Section 504 of the Rehabilitation Act of 1973,
5749 as amended, remain in force.

5750 (4) Nothing in this section diminishes the responsibility of a student's LEA of record
5751 for the education of the student as provided in [~~Title 53A, Chapter 15, Part 3, Education of~~
5752 ~~Children with Disabilities~~] Chapter 7, Part 2, Special Education Program.

5753 Section 199. Section **53E-8-202**, which is renumbered from Section 53A-25b-104 is
5754 renumbered and amended to read:

5755 [~~53A-25b-104~~]. **53E-8-202. Corporate powers -- Property -- Establishment of**
5756 **a foundation.**

5757 (1) The Utah Schools for the Deaf and the Blind is a public corporation with perpetual
5758 succession and a corporate seal.

5759 (2) The Utah Schools for the Deaf and the Blind may:

5760 (a) sue and be sued;

5761 (b) contract and be contracted with;

5762 (c) take and hold by purchase, gift, devise, or bequest real and personal property
5763 required for its uses; and

5764 (d) convert property, if not suitable for its use, into other property or money.

5765 (3) The property of the Utah Schools for the Deaf and the Blind is exempt from taxes
5766 and assessments.

5767 (4) The Utah Schools for the Deaf and the Blind may establish a foundation as
5768 described in Section 53E-3-403.

5769 Section 200. Section **53E-8-203**, which is renumbered from Section 53A-25b-105 is
5770 renumbered and amended to read:

5771 ~~[53A-25b-105].~~ **53E-8-203. Applicability of statutes to the Utah Schools for**
5772 **the Deaf and the Blind.**

5773 (1) The Utah Schools for the Deaf and the Blind is subject to [~~Title 53A, State System~~
5774 ~~of Public Education,~~] this public education code and other state laws applicable to public
5775 schools, except as otherwise provided by this chapter.

5776 (2) The following provisions of [~~Title 53A, State System of Public Education,~~] this
5777 public education code do not apply to the Utah Schools for the Deaf and the Blind:

5778 (a) provisions governing the budgets, funding, or finances of school districts or charter
5779 schools; and

5780 (b) provisions governing school construction.

5781 (3) Except as provided in this chapter, the Utah Schools for the Deaf and the Blind is
5782 subject to state laws governing state agencies, including:

5783 (a) Title 51, Chapter 5, Funds Consolidation Act;

5784 (b) Title 51, Chapter 7, State Money Management Act;

5785 (c) Title 52, Chapter 4, Open and Public Meetings Act;

5786 (d) Title 63A, Utah Administrative Services Code;

5787 (e) Title 63G, Chapter 2, Government Records Access and Management Act;

- 5788 (f) Title 63G, Chapter 4, Administrative Procedures Act;
 5789 (g) Title 63G, Chapter 6a, Utah Procurement Code;
 5790 (h) Title 63J, Chapter 1, Budgetary Procedures Act;
 5791 (i) Title 63J, Chapter 2, Revenue Procedures and Control Act; and
 5792 (j) Title 67, Chapter 19, Utah State Personnel Management Act.

5793 Section 201. Section **53E-8-204**, which is renumbered from Section 53A-25b-201 is
 5794 renumbered and amended to read:

5795 ~~[53A-25b-201]~~. **53E-8-204. Authority of the State Board of Education --**
 5796 **Rulemaking -- Superintendent -- Advisory Council.**

5797 (1) The State Board of Education is the governing board of the Utah Schools for the
 5798 Deaf and the Blind.

5799 (2) (a) The board shall appoint a superintendent for the Utah Schools for the Deaf and
 5800 the Blind.

5801 (b) The board shall make rules in accordance with Title 63G, Chapter 3, Utah
 5802 Administrative Rulemaking Act, regarding the qualifications, terms of employment, and duties
 5803 of the superintendent for the Utah Schools for the Deaf and the Blind.

5804 (3) The superintendent shall:

5805 (a) subject to the approval of the board, appoint an associate superintendent to
 5806 administer the Utah School for the Deaf based on:

5807 (i) demonstrated competency as an expert educator of deaf persons; and

5808 (ii) knowledge of school management and the instruction of deaf persons;

5809 (b) subject to the approval of the board, appoint an associate superintendent to
 5810 administer the Utah School for the Blind based on:

5811 (i) demonstrated competency as an expert educator of blind persons; and

5812 (ii) knowledge of school management and the instruction of blind persons, including an
 5813 understanding of the unique needs and education of deafblind persons.

5814 (4) (a) The board shall:

5815 (i) establish an Advisory Council for the Utah Schools for the Deaf and the Blind and
 5816 appoint no more than 11 members to the advisory council;

5817 (ii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
 5818 Rulemaking Act, regarding the operation of the advisory council; and

5819 (iii) receive and consider the advice and recommendations of the advisory council but
5820 is not obligated to follow the recommendations of the advisory council.

5821 (b) The advisory council described in Subsection (4)(a) shall include at least:

5822 (i) two members who are blind;

5823 (ii) two members who are deaf; and

5824 (iii) two members who are deafblind or parents of a deafblind child.

5825 (5) The board shall approve the annual budget and expenditures of the Utah Schools
5826 for the Deaf and the Blind.

5827 (6) (a) On or before the November interim meeting each year, the board shall report to
5828 the Education Interim Committee on the Utah Schools for the Deaf and the Blind.

5829 (b) The board shall ensure that the report described in Subsection (6)(a) includes:

5830 (i) a financial report;

5831 (ii) a report on the activities of the superintendent and associate superintendents;

5832 (iii) a report on activities to involve parents and constituency and advocacy groups in
5833 the governance of the school; and

5834 (iv) a report on student achievement, including:

5835 (A) longitudinal student achievement data for both current and previous students served
5836 by the Utah Schools for the Deaf and the Blind;

5837 (B) graduation rates; and

5838 (C) a description of the educational placement of students exiting the Utah Schools for
5839 the Deaf and the Blind.

5840 Section 202. Section **53E-8-301**, which is renumbered from Section 53A-25b-401 is
5841 renumbered and amended to read:

5842 **Part 3. Educators**

5843 **~~[53A-25b-401]~~. 53E-8-301. Educators exempt from Department of Human**
5844 **Resource Management rules -- Collective bargaining agreement.**

5845 (1) Educators employed by the Utah Schools for the Deaf and the Blind are exempt
5846 from mandatory compliance with rules of the Department of Human Resource Management.

5847 (2) The board may enter into a collective bargaining agreement to establish
5848 compensation and other personnel policies with educators employed by the Utah Schools for
5849 the Deaf and the Blind to replace rules of the Department of Human Resource Management.

5850 (3) A collective bargaining agreement made under Subsection (2) is subject to the same
5851 requirements that are imposed on local school boards by Section [~~53A-3-411~~] 53G-11-202.

5852 Section 203. Section **53E-8-302**, which is renumbered from Section 53A-25b-402 is
5853 renumbered and amended to read:

5854 [~~53A-25b-402~~]. **53E-8-302**. **Annual salary adjustments for educators.**

5855 [~~(1) Subject to future budget constraints, the Legislature shall annually appropriate~~
5856 ~~money to the board for the salary adjustments described in this section, including step and lane~~
5857 ~~changes.~~]

5858 (1) In accordance with Section 53F-7-301, the Legislature shall appropriate money to
5859 the board for the salary adjustments described in this section.

5860 (2) The board shall include in its annual budget request for the Utah Schools for the
5861 Deaf and the Blind an amount of money sufficient to adjust educators' salaries as described in
5862 Subsection (3) and fund step and lane changes.

5863 (3) (a) The board shall determine the salary adjustment specified in Subsection (2) by:

5864 (i) calculating a weighted average salary adjustment for nonadministrative licensed
5865 staff adopted by the school districts of the state, with the average weighted by the number of
5866 teachers in each school district; and

5867 (ii) increasing the weighted average salary adjustment by 10% in any year in which
5868 teachers of the Utah Schools for the Deaf and the Blind are not ranked in the top 10 in 20-year
5869 earnings when compared to earnings of teachers in the school districts of the state.

5870 (b) In calculating a weighted average salary adjustment for nonadministrative licensed
5871 staff adopted by the school districts of the state under Subsection (3)(a), the board shall exclude
5872 educator salary adjustments provided pursuant to Section [~~53A-17a-153~~] 53F-2-405.

5873 (4) From money appropriated to the board for salary adjustments, the board shall adjust
5874 the salary schedule applicable to educators at the school each year.

5875 Section 204. Section **53E-8-401**, which is renumbered from Section 53A-25b-301 is
5876 renumbered and amended to read:

5877 **Part 4. Eligibility, Services, and Programs**

5878 [~~53A-25b-301~~]. **53E-8-401**. **Eligibility for services of the Utah Schools for the**
5879 **Deaf and the Blind.**

5880 (1) Except as provided in Subsections (3), (4), and (5), a person is eligible to receive

5881 services of the Utah Schools for the Deaf and the Blind if the person is:

5882 (a) a resident of Utah;

5883 (b) younger than 22 years of age;

5884 (c) referred to the Utah Schools for the Deaf and the Blind by the person's school
5885 district of residence or a local early intervention program; and

5886 (d) identified as deaf, blind, or deafblind through:

5887 (i) the special education eligibility determination process; or

5888 (ii) the Section 504 eligibility determination process.

5889 (2) (a) In diagnosing a person younger than age three who is deafblind, the following
5890 information may be used:

5891 (i) ophthalmological and audiological documentation;

5892 (ii) functional vision or hearing assessments and evaluations; or

5893 (iii) informed clinical opinion conducted by a person with expertise in deafness,
5894 blindness, or deafblindness.

5895 (b) Informed clinical opinion shall be:

5896 (i) included in the determination of eligibility when documentation is incomplete or not
5897 conclusive; and

5898 (ii) based on pertinent records related to the individual's current health status and
5899 medical history, an evaluation and observations of the individual's level of sensory functioning,
5900 and the needs of the family.

5901 (3) (a) A student who qualifies for special education shall have services and placement
5902 determinations made through the IEP process.

5903 (b) A student who qualifies for accommodations under Section 504 shall have services
5904 and placement determinations made through the Section 504 team process.

5905 (c) A parent or legal guardian of a child who is deaf, blind, or deafblind shall make the
5906 final decision regarding placement of the child in a Utah Schools for the Deaf and the Blind
5907 program or in a school district or charter school program subject to special education federal
5908 regulations regarding due process.

5909 (4) (a) A nonresident may receive services of the Utah Schools for the Deaf and the
5910 Blind in accordance with rules of the board.

5911 (b) The rules shall require the payment of tuition for services provided to a

5912 nonresident.

5913 (5) An individual is eligible to receive services from the Utah Schools for the Deaf and
5914 the Blind under circumstances described in Section [~~53A-25b-308~~] 53E-8-408.

5915 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
5916 this chapter, the board:

5917 (a) shall make rules that determine the eligibility of students to be served by the Utah
5918 Schools for the Deaf and the Blind; and

5919 (b) may make rules to allow a resident of Utah who is neither deaf, blind, nor deafblind
5920 to receive services of the Utah Schools for the Deaf and the Blind if the student is younger than
5921 22 years of age.

5922 Section 205. Section **53E-8-402**, which is renumbered from Section 53A-25b-302 is
5923 renumbered and amended to read:

5924 [~~53A-25b-302~~]. **53E-8-402. Entrance policies and procedures.**

5925 With input from the Utah Schools for the Deaf and the Blind, school districts, parents,
5926 and the advisory council, the board shall establish entrance policies and procedures that IEP
5927 teams and Section 504 teams are to consider in making placement recommendations at the
5928 Utah Schools for the Deaf and the Blind.

5929 Section 206. Section **53E-8-403**, which is renumbered from Section 53A-25b-303 is
5930 renumbered and amended to read:

5931 [~~53A-25b-303~~]. **53E-8-403. Educational programs.**

5932 (1) The Utah Schools for the Deaf and the Blind shall provide an educational program
5933 for a student:

5934 (a) based on assessments of the student's abilities; and

5935 (b) in accordance with the student's IEP or Section 504 accommodation plan.

5936 (2) If a student's ability to access the core curriculum is impaired primarily due to a
5937 severe sensory loss, the Utah Schools for the Deaf and the Blind shall provide an educational
5938 program that will enable the student, with accommodations, to access the core curriculum.

5939 (3) The Utah Schools for the Deaf and the Blind shall provide instruction in Braille to
5940 students who are blind as required by [~~Chapter 25a, Blind Persons' Literacy Rights and~~
5941 ~~Education Act~~] Chapter 7, Part 3, Braille Requirements for Blind Students.

5942 Section 207. Section **53E-8-404**, which is renumbered from Section 53A-25b-304 is

5943 renumbered and amended to read:

5944 ~~[53A-25b-304]~~. **53E-8-404. Administration of statewide assessments.**

5945 The Utah Schools for the Deaf and the Blind shall annually administer, as applicable,
5946 the statewide assessments described in Section ~~[53A-1-602]~~ 53E-4-301, except a student may
5947 take an alternative test in accordance with the student's IEP.

5948 Section 208. Section **53E-8-405**, which is renumbered from Section 53A-25b-305 is
5949 renumbered and amended to read:

5950 ~~[53A-25b-305]~~. **53E-8-405. Collaboration with Department of Health.**

5951 The Utah Schools for the Deaf and the Blind shall collaborate with the Department of
5952 Health to provide services to children with disabilities who are younger than three years of age
5953 in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

5954 Section 209. Section **53E-8-406**, which is renumbered from Section 53A-25b-306 is
5955 renumbered and amended to read:

5956 ~~[53A-25b-306]~~. **53E-8-406. Programs for deafblind individuals -- State**
5957 **deafblind education specialist.**

5958 (1) The board shall adopt policies and programs for providing appropriate educational
5959 services to individuals who are deafblind.

5960 (2) Except as provided in Subsection (4), the board shall designate an employee who
5961 holds a deafblind certification or equivalent training and expertise to:

5962 (a) act as a resource coordinator for the board on public education programs designed
5963 for individuals who are deafblind;

5964 (b) facilitate the design and implementation of professional development programs to
5965 assist school districts, charter schools, and the Utah Schools for the Deaf and the Blind in
5966 meeting the educational needs of those who are deafblind; and

5967 (c) facilitate the design of and assist with the implementation of one-on-one
5968 intervention programs in school districts, charter schools, and at the Utah Schools for the Deaf
5969 and the Blind for those who are deafblind, serving as a resource for, or team member of,
5970 individual IEP teams.

5971 (3) The board may authorize and approve the costs of an employee to obtain a
5972 deafblind certification or equivalent training and expertise to qualify for the position described
5973 in Subsection (2).

5974 (4) The board may contract with a third party for the services required under
5975 Subsection (2).

5976 Section 210. Section **53E-8-407**, which is renumbered from Section 53A-25b-307 is
5977 renumbered and amended to read:

5978 ~~[53A-25b-307]~~. **53E-8-407. Educational Enrichment Program for Deaf,**
5979 **Hard of Hearing, and Visually Impaired Students -- Funding for the program.**

5980 (1) There is established the Educational Enrichment Program for Deaf, Hard of
5981 Hearing, and Visually Impaired Students.

5982 (2) The purpose of the program is to provide opportunities that will, in a family
5983 friendly environment, enhance the educational services required for deaf, hard of hearing
5984 blind, or deafblind students.

5985 (3) The advisory council shall design and implement the program, subject to the
5986 approval by the board.

5987 (4) The program shall be funded from the interest and dividends derived from the
5988 permanent funds created for the Utah Schools for the Deaf and the Blind pursuant to Section 12
5989 of the Utah Enabling Act and distributed by the director of the School and Institutional Trust
5990 Lands Administration under Section 53C-3-103.

5991 Section 211. Section **53E-8-408**, which is renumbered from Section 53A-25b-308 is
5992 renumbered and amended to read:

5993 ~~[53A-25b-308]~~. **53E-8-408. Educational services for an individual with a**
5994 **hearing loss.**

5995 (1) Subject to Subsection (2), the Utah Schools for the Deaf and the Blind shall provide
5996 educational services to an individual:

5997 (a) who seeks to receive the educational services; and

5998 (b) (i) whose results of a test for hearing loss are reported to the Utah Schools for the
5999 Deaf and the Blind in accordance with Section 26-10-6 or 26-10-13; or

6000 (ii) who has been diagnosed with a hearing loss by a physician or an audiologist.

6001 (2) If the individual who will receive the services described in Subsection (1) is a
6002 minor, the Utah Schools for the Deaf and the Blind may not provide the services to the
6003 individual until after receiving permission from the individual's parent or guardian.

6004 Section 212. Section **53E-8-409**, which is renumbered from Section 53A-25b-501 is

6005 renumbered and amended to read:

6006 ~~[53A-25b-501]~~. **53E-8-409. Instructional Materials Access Center -- Board to**
6007 **make rules.**

6008 (1) The board shall collaborate with the Utah Schools for the Deaf and the Blind,
6009 school districts, and charter schools in establishing the Utah State Instructional Materials
6010 Access Center to provide students with print disabilities access to instructional materials in
6011 alternate formats in a timely manner.

6012 (2) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah
6013 Administrative Rulemaking Act, to:

6014 (a) establish the Utah State Instructional Materials Access Center;

6015 (b) define how the Educational Resource Center at the Utah Schools for the Deaf and
6016 the Blind shall collaborate in the operation of the Utah State Instructional Materials Access
6017 Center;

6018 (c) specify procedures for the operation of the Utah State Instructional Materials
6019 Access Center, including procedures to:

6020 (i) identify students who qualify for instructional materials in alternate formats; and

6021 (ii) distribute and store instructional materials in alternate formats;

6022 (d) establish the contribution of school districts and charter schools towards the cost of
6023 instructional materials in alternate formats; and

6024 (e) require textbook publishers, as a condition of contract, to provide electronic file sets
6025 in conformance with the National Instructional Materials Accessibility Standard.

6026 Section 213. Section **53E-8-410**, which is renumbered from Section 53A-17a-111.5 is
6027 renumbered and amended to read:

6028 ~~[53A-17a-111.5]~~. **53E-8-410. School districts to provide class space for deaf**
6029 **and blind programs.**

6030 (1) A school district with students who reside within the school district's boundaries
6031 and are served by the Schools for the Deaf and the Blind shall:

6032 (a) furnish the schools with space required for their programs; or

6033 (b) help pay for the cost of leasing classroom space in other school districts.

6034 (2) A school district's participation in the program under Subsection (1) is based upon
6035 the number of students who are served by the Schools for the Deaf and the Blind and who

6036 reside within the school district as compared to the state total of students who are served by the
6037 schools.

6038 Section 214. Section **53E-9-101** is enacted to read:

6039 **CHAPTER 9. STUDENT PRIVACY AND DATA PROTECTION**

6040 **Part 1. General Provisions**

6041 **53E-9-101. Title.**

6042 This chapter is known as "Student Privacy and Data Protection."

6043 Section 215. Section **53E-9-201** is enacted to read:

6044 **Part 2. Student Privacy**

6045 **53E-9-201. Definitions.**

6046 Reserved

6047 Section 216. Section **53E-9-202**, which is renumbered from Section 53A-13-301 is
6048 renumbered and amended to read:

6049 ~~[53A-13-301].~~ **53E-9-202. Application of state and federal law to the**
6050 **administration and operation of public schools -- Local school board and charter school**
6051 **governing board policies.**

6052 (1) As used in this section "education entity" means:

6053 (a) the State Board of Education;

6054 (b) a local school board or charter school governing board;

6055 (c) a school district;

6056 (d) a public school; or

6057 (e) the Utah Schools for the Deaf and the Blind.

6058 (2) An education entity and an employee, student aide, volunteer, third party
6059 contractor, or other agent of an education entity shall protect the privacy of a student, the
6060 student's parents, and the student's family and support parental involvement in the education of
6061 their children through compliance with the protections provided for family and student privacy
6062 under this part and the Family Educational Rights and Privacy Act and related provisions under
6063 20 U.S.C. Secs. 1232g and 1232h, in the administration and operation of all public school
6064 programs, regardless of the source of funding.

6065 (3) A local school board or charter school governing board shall enact policies
6066 governing the protection of family and student privacy as required by this part.

6067 Section 217. Section **53E-9-203**, which is renumbered from Section 53A-13-302 is
6068 renumbered and amended to read:

6069 ~~[53A-13-302]~~. **53E-9-203. Activities prohibited without prior written**
6070 **consent -- Validity of consent -- Qualifications -- Training on implementation.**

6071 (1) Except as provided in Subsection (7), Section ~~[53A-11a-203]~~ 53G-9-604, and
6072 Section ~~[53A-15-1301]~~ 53G-9-702, policies adopted by a school district or charter school
6073 under Section ~~[53A-13-301]~~ 53E-9-202 shall include prohibitions on the administration to a
6074 student of any psychological or psychiatric examination, test, or treatment, or any survey,
6075 analysis, or evaluation without the prior written consent of the student's parent or legal
6076 guardian, in which the purpose or evident intended effect is to cause the student to reveal
6077 information, whether the information is personally identifiable or not, concerning the student's
6078 or any family member's:

6079 (a) political affiliations or, except as provided under Section ~~[53A-13-101.1]~~
6080 53G-10-202 or rules of the State Board of Education, political philosophies;

6081 (b) mental or psychological problems;

6082 (c) sexual behavior, orientation, or attitudes;

6083 (d) illegal, anti-social, self-incriminating, or demeaning behavior;

6084 (e) critical appraisals of individuals with whom the student or family member has close
6085 family relationships;

6086 (f) religious affiliations or beliefs;

6087 (g) legally recognized privileged and analogous relationships, such as those with
6088 lawyers, medical personnel, or ministers; and

6089 (h) income, except as required by law.

6090 (2) Prior written consent under Subsection (1) is required in all grades, kindergarten
6091 through grade 12.

6092 (3) Except as provided in Subsection (7), Section ~~[53A-11a-203]~~ 53G-9-604, and
6093 Section ~~[53A-15-1301]~~ 53G-9-702, the prohibitions under Subsection (1) shall also apply
6094 within the curriculum and other school activities unless prior written consent of the student's
6095 parent or legal guardian has been obtained.

6096 (4) (a) Written parental consent is valid only if a parent or legal guardian has been first
6097 given written notice, including notice that a copy of the educational or student survey questions

6098 to be asked of the student in obtaining the desired information is made available at the school,
6099 and a reasonable opportunity to obtain written information concerning:

6100 (i) records or information, including information about relationships, that may be
6101 examined or requested;

6102 (ii) the means by which the records or information shall be examined or reviewed;

6103 (iii) the means by which the information is to be obtained;

6104 (iv) the purposes for which the records or information are needed;

6105 (v) the entities or persons, regardless of affiliation, who will have access to the
6106 personally identifiable information; and

6107 (vi) a method by which a parent of a student can grant permission to access or examine
6108 the personally identifiable information.

6109 (b) For a survey described in Subsection (1), written notice described in Subsection
6110 (4)(a) shall include an Internet address where a parent or legal guardian can view the exact
6111 survey to be administered to the parent or legal guardian's student.

6112 (5) (a) Except in response to a situation which a school employee reasonably believes
6113 to be an emergency, or as authorized under Title 62A, Chapter 4a, Part 4, Child Abuse or
6114 Neglect Reporting Requirements, or by order of a court, disclosure to a parent or legal guardian
6115 must be given at least two weeks before information protected under this section is sought.

6116 (b) Following disclosure, a parent or guardian may waive the two week minimum
6117 notification period.

6118 (c) Unless otherwise agreed to by a student's parent or legal guardian and the person
6119 requesting written consent, the authorization is valid only for the activity for which it was
6120 granted.

6121 (d) A written withdrawal of authorization submitted to the school principal by the
6122 authorizing parent or guardian terminates the authorization.

6123 (e) A general consent used to approve admission to school or involvement in special
6124 education, remedial education, or a school activity does not constitute written consent under
6125 this section.

6126 (6) (a) This section does not limit the ability of a student under Section [~~53A-13-101.3~~]
6127 53G-10-203 to spontaneously express sentiments or opinions otherwise protected against
6128 disclosure under this section.

6129 (b) (i) If a school employee or agent believes that a situation exists which presents a
6130 serious threat to the well-being of a student, that employee or agent shall notify the student's
6131 parent or guardian without delay.

6132 (ii) If, however, the matter has been reported to the Division of Child and Family
6133 Services within the Department of Human Services, it is the responsibility of the division to
6134 notify the student's parent or guardian of any possible investigation, prior to the student's return
6135 home from school.

6136 (iii) The division may be exempted from the notification requirements described in this
6137 Subsection (6)(b)(ii) only if it determines that the student would be endangered by notification
6138 of his parent or guardian, or if that notification is otherwise prohibited by state or federal law.

6139 (7) (a) If a school employee, agent, or school resource officer believes a student is
6140 at-risk of attempting suicide, physical self-harm, or harming others, the school employee,
6141 agent, or school resource officer may intervene and ask a student questions regarding the
6142 student's suicidal thoughts, physically self-harming behavior, or thoughts of harming others for
6143 the purposes of:

6144 (i) referring the student to appropriate prevention services; and

6145 (ii) informing the student's parent or legal guardian.

6146 (b) On or before September 1, 2014, a school district or charter school shall develop
6147 and adopt a policy regarding intervention measures consistent with Subsection (7)(a) while
6148 requiring the minimum degree of intervention to accomplish the goals of this section.

6149 (8) Local school boards and charter school governing boards shall provide inservice for
6150 teachers and administrators on the implementation of this section.

6151 (9) The board shall provide procedures for disciplinary action for violations of this
6152 section.

6153 Section 218. Section **53E-9-204**, which is renumbered from Section 53A-13-303 is
6154 renumbered and amended to read:

6155 ~~**[53A-13-303].**~~ **53E-9-204. Access to education records -- Training**
6156 **requirement -- Certification.**

6157 (1) As used in this section, "education record" means the same as that term is defined
6158 in the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

6159 (2) A local school board or charter school governing board shall require each public

6160 school to:

6161 (a) create and maintain a list that includes the name and position of each school

6162 employee who the public school authorizes, in accordance with Subsection (4), to have access

6163 to an education record; and

6164 (b) provide the list described in Subsection (2)(a) to the school's local school board or

6165 charter school governing board.

6166 (3) A local school board or charter school governing board shall:

6167 (a) provide training on student privacy laws; and

6168 (b) require a school employee on the list described in Subsection (2) to:

6169 (i) complete the training described in Subsection (3)(a); and

6170 (ii) provide to the local school board or charter school governing board a certified

6171 statement, signed by the school employee, that certifies that the school employee completed the

6172 training described in Subsection (3)(a) and that the school employee understands student

6173 privacy requirements.

6174 (4) (a) Except as provided in Subsection (4)(b), a local school board, charter school

6175 governing board, public school, or school employee may only share an education record with a

6176 school employee if:

6177 (i) that school employee's name is on the list described in Subsection (2); and

6178 (ii) federal and state privacy laws authorize the education record to be shared with that

6179 school employee.

6180 (b) A local school board, charter school governing board, public school, or school

6181 employee may share an education record with a school employee if the board, school, or

6182 employee obtains written consent from:

6183 (i) the parent or legal guardian of the student to whom the education record relates, if

6184 the student is younger than 18 years old; or

6185 (ii) the student to whom the education record relates, if the student is 18 years old or

6186 older.

6187 Section 219. Section **53E-9-301**, which is renumbered from Section 53A-1-1402 is

6188 renumbered and amended to read:

6189 **Part 3. Student Data Protection**

6190 **[53A-1-1402]. 53E-9-301. Definitions.**

6191 As used in this part:

6192 (1) "Adult student" means a student who:

6193 (a) is at least 18 years old;

6194 (b) is an emancipated student; or

6195 (c) qualifies under the McKinney-Vento Homeless Education Assistance

6196 Improvements Act of 2001, 42 U.S.C. Sec. 11431 et seq.

6197 (2) "Aggregate data" means data that:

6198 (a) are totaled and reported at the group, cohort, school, school district, region, or state

6199 level with at least 10 individuals in the level;

6200 (b) do not reveal personally identifiable student data; and

6201 (c) are collected in accordance with board rule.

6202 (3) (a) "Biometric identifier" means a:

6203 (i) retina or iris scan;

6204 (ii) fingerprint;

6205 (iii) human biological sample used for valid scientific testing or screening; or

6206 (iv) scan of hand or face geometry.

6207 (b) "Biometric identifier" does not include:

6208 (i) a writing sample;

6209 (ii) a written signature;

6210 (iii) a voiceprint;

6211 (iv) a photograph;

6212 (v) demographic data; or

6213 (vi) a physical description, such as height, weight, hair color, or eye color.

6214 (4) "Biometric information" means information, regardless of how the information is
6215 collected, converted, stored, or shared:

6216 (a) based on an individual's biometric identifier; and

6217 (b) used to identify the individual.

6218 (5) "Board" means the State Board of Education.

6219 (6) "Cumulative disciplinary record" means disciplinary student data that is part of a
6220 cumulative record.

6221 (7) "Cumulative record" means physical or electronic information that the education

6222 entity intends:

6223 (a) to store in a centralized location for 12 months or more; and

6224 (b) for the information to follow the student through the public education system.

6225 (8) "Data authorization" means written authorization to collect or share a student's

6226 student data, from:

6227 (a) the student's parent, if the student is not an adult student; or

6228 (b) the student, if the student is an adult student.

6229 (9) "Data governance plan" means an education entity's comprehensive plan for

6230 managing education data that:

6231 (a) incorporates reasonable data industry best practices to maintain and protect student

6232 data and other education-related data;

6233 (b) provides for necessary technical assistance, training, support, and auditing;

6234 (c) describes the process for sharing student data between an education entity and

6235 another person;

6236 (d) describes the process for an adult student or parent to request that data be

6237 expunged; and

6238 (e) is published annually and available on the education entity's website.

6239 (10) "Education entity" means:

6240 (a) the board;

6241 (b) a local school board;

6242 (c) a charter school governing board;

6243 (d) a school district;

6244 (e) a charter school;

6245 (f) the Utah Schools for the Deaf and the Blind; or

6246 (g) for purposes of implementing the School Readiness Initiative described in [Chapter

6247 ~~Hb, Part 1,~~ Title 53F, Chapter 6, Part 3, School Readiness Initiative [Act], the School

6248 Readiness Board created in Section [~~53A-1-103~~] 53F-6-302.

6249 (11) "Expunge" means to seal or permanently delete data, as described in board rule

6250 made under Section [~~53A-1-1407~~] 53E-9-306.

6251 (12) "External application" means a general audience:

6252 (a) application;

6253 (b) piece of software;

6254 (c) website; or

6255 (d) service.

6256 (13) "Individualized education program" or "IEP" means a written statement:

6257 (a) for a student with a disability; and

6258 (b) that is developed, reviewed, and revised in accordance with the Individuals with
6259 Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

6260 (14) "Internal application" means an Internet website, online service, online
6261 application, mobile application, or software, if the Internet website, online service, online
6262 application, mobile application, or software is subject to a third-party contractor's contract with
6263 an education entity.

6264 (15) "Local education agency" or "LEA" means:

6265 (a) a school district;

6266 (b) a charter school;

6267 (c) the Utah Schools for the Deaf and the Blind; or

6268 (d) for purposes of implementing the School Readiness Initiative described in [~~Chapter~~
6269 ~~Hb, Part 1,~~] Title 53F, Chapter 6, Part 3, School Readiness Initiative [Act], the School
6270 Readiness Board created in Section [~~53A-1b-103~~] 53F-6-302.

6271 (16) "Metadata dictionary" means a complete list of an education entity's student data
6272 elements and other education-related data elements, that:

6273 (a) defines and discloses all data collected, used, stored, and shared by the education
6274 entity, including:

6275 (i) who uses a data element within an education entity and how a data element is used
6276 within an education entity;

6277 (ii) if a data element is shared externally, who uses the data element externally and how
6278 a data element is shared externally;

6279 (iii) restrictions on the use of a data element; and

6280 (iv) parent and student rights to a data element;

6281 (b) designates student data elements as:

6282 (i) necessary student data; or

6283 (ii) optional student data;

- 6284 (c) designates student data elements as required by state or federal law; and
6285 (d) without disclosing student data or security information, is displayed on the
6286 education entity's website.
- 6287 (17) "Necessary student data" means data required by state statute or federal law to
6288 conduct the regular activities of an education entity, including:
- 6289 (a) name;
 - 6290 (b) date of birth;
 - 6291 (c) sex;
 - 6292 (d) parent contact information;
 - 6293 (e) custodial parent information;
 - 6294 (f) contact information;
 - 6295 (g) a student identification number;
 - 6296 (h) local, state, and national assessment results or an exception from taking a local,
6297 state, or national assessment;
 - 6298 (i) courses taken and completed, credits earned, and other transcript information;
 - 6299 (j) course grades and grade point average;
 - 6300 (k) grade level and expected graduation date or graduation cohort;
 - 6301 (l) degree, diploma, credential attainment, and other school exit information;
 - 6302 (m) attendance and mobility;
 - 6303 (n) drop-out data;
 - 6304 (o) immunization record or an exception from an immunization record;
 - 6305 (p) race;
 - 6306 (q) ethnicity;
 - 6307 (r) tribal affiliation;
 - 6308 (s) remediation efforts;
 - 6309 (t) an exception from a vision screening required under Section [~~53A-11-203~~]
6310 53G-9-404 or information collected from a vision screening required under Section
6311 [~~53A-11-203~~] 53G-9-404;
 - 6312 (u) information related to the Utah Registry of Autism and Developmental Disabilities,
6313 described in Section 26-7-4;
 - 6314 (v) student injury information;

- 6315 (w) a cumulative disciplinary record created and maintained as described in Section
6316 [~~53A-1-1407~~] 53E-9-306;
- 6317 (x) juvenile delinquency records;
- 6318 (y) English language learner status; and
- 6319 (z) child find and special education evaluation data related to initiation of an IEP.
- 6320 (18) (a) "Optional student data" means student data that is not:
- 6321 (i) necessary student data; or
- 6322 (ii) student data that an education entity may not collect under Section [~~53A-1-1406~~]
6323 53E-9-305.
- 6324 (b) "Optional student data" includes:
- 6325 (i) information that is:
- 6326 (A) related to an IEP or needed to provide special needs services; and
- 6327 (B) not necessary student data;
- 6328 (ii) biometric information; and
- 6329 (iii) information that is not necessary student data and that is required for a student to
6330 participate in a federal or other program.
- 6331 (19) "Parent" means a student's parent or legal guardian.
- 6332 (20) (a) "Personally identifiable student data" means student data that identifies or is
6333 used by the holder to identify a student.
- 6334 (b) "Personally identifiable student data" includes:
- 6335 (i) a student's first and last name;
- 6336 (ii) the first and last name of a student's family member;
- 6337 (iii) a student's or a student's family's home or physical address;
- 6338 (iv) a student's email address or other online contact information;
- 6339 (v) a student's telephone number;
- 6340 (vi) a student's social security number;
- 6341 (vii) a student's biometric identifier;
- 6342 (viii) a student's health or disability data;
- 6343 (ix) a student's education entity student identification number;
- 6344 (x) a student's social media user name and password or alias;
- 6345 (xi) if associated with personally identifiable student data, the student's persistent

6346 identifier, including:

6347 (A) a customer number held in a cookie; or

6348 (B) a processor serial number;

6349 (xii) a combination of a student's last name or photograph with other information that
6350 together permits a person to contact the student online;

6351 (xiii) information about a student or a student's family that a person collects online and
6352 combines with other personally identifiable student data to identify the student; and

6353 (xiv) other information that is linked to a specific student that would allow a
6354 reasonable person in the school community, who does not have first-hand knowledge of the
6355 student, to identify the student with reasonable certainty.

6356 (21) "School official" means an employee or agent of an education entity, if the
6357 education entity has authorized the employee or agent to request or receive student data on
6358 behalf of the education entity.

6359 (22) (a) "Student data" means information about a student at the individual student
6360 level.

6361 (b) "Student data" does not include aggregate or de-identified data.

6362 (23) "Student data disclosure statement" means a student data disclosure statement
6363 described in Section [~~53A-1-1406~~] 53E-9-305.

6364 (24) "Student data manager" means:

6365 (a) the state student data officer; or

6366 (b) an individual designated as a student data manager by an education entity under
6367 Section [~~53A-1-1404~~] 53E-9-303.

6368 (25) (a) "Targeted advertising" means presenting advertisements to a student where the
6369 advertisement is selected based on information obtained or inferred over time from that
6370 student's online behavior, usage of applications, or student data.

6371 (b) "Targeted advertising" does not include advertising to a student:

6372 (i) at an online location based upon that student's current visit to that location; or

6373 (ii) in response to that student's request for information or feedback, without retention
6374 of that student's online activities or requests over time for the purpose of targeting subsequent
6375 ads.

6376 (26) "Third-party contractor" means a person who:

6377 (a) is not an education entity; and

6378 (b) pursuant to a contract with an education entity, collects or receives student data in
6379 order to provide a product or service, as described in the contract, if the product or service is
6380 not related to school photography, yearbooks, graduation announcements, or a similar product
6381 or service.

6382 Section 220. Section **53E-9-302**, which is renumbered from Section 53A-1-1403 is
6383 renumbered and amended to read:

6384 ~~[53A-1-1403]~~. **53E-9-302. State student data protection governance.**

6385 (1) (a) An education entity or a third-party contractor who collects, uses, stores, shares,
6386 or deletes student data shall protect student data as described in this part.

6387 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
6388 board shall make rules to administer this part, including student data protection standards for
6389 public education employees, student aides, and volunteers.

6390 (2) The board shall oversee the preparation and maintenance of:

6391 (a) a statewide data governance plan; and

6392 (b) a state-level metadata dictionary.

6393 (3) As described in this Subsection (3), the board shall establish advisory groups to
6394 oversee student data protection in the state and make recommendations to the board regarding
6395 student data protection.

6396 (a) The board shall establish a student data policy advisory group:

6397 (i) composed of members from:

6398 (A) the Legislature;

6399 (B) the board and board employees; and

6400 (C) one or more LEAs;

6401 (ii) to discuss and make recommendations to the board regarding:

6402 (A) enacted or proposed legislation; and

6403 (B) state and local student data protection policies across the state;

6404 (iii) that reviews and monitors the state student data governance plan; and

6405 (iv) that performs other tasks related to student data protection as designated by the

6406 board.

6407 (b) The board shall establish a student data governance advisory group:

- 6408 (i) composed of the state student data officer and other board employees; and
6409 (ii) that performs duties related to state and local student data protection, including:
6410 (A) overseeing data collection and usage by board program offices; and
6411 (B) preparing and maintaining the board's student data governance plan under the
6412 direction of the student data policy advisory group.
- 6413 (c) The board shall establish a student data users advisory group:
6414 (i) composed of members who use student data at the local level; and
6415 (ii) that provides feedback and suggestions on the practicality of actions proposed by
6416 the student data policy advisory group and the student data governance advisory group.
- 6417 (4) (a) The board shall designate a state student data officer.
6418 (b) The state student data officer shall:
6419 (i) act as the primary point of contact for state student data protection administration in
6420 assisting the board to administer this part;
6421 (ii) ensure compliance with student privacy laws throughout the public education
6422 system, including:
6423 (A) providing training and support to applicable board and LEA employees; and
6424 (B) producing resource materials, model plans, and model forms for local student data
6425 protection governance, including a model student data disclosure statement;
6426 (iii) investigate complaints of alleged violations of this part;
6427 (iv) report violations of this part to:
6428 (A) the board;
6429 (B) an applicable education entity; and
6430 (C) the student data policy advisory group; and
6431 (v) act as a state level student data manager.
- 6432 (5) The board shall designate:
6433 (a) at least one support manager to assist the state student data officer; and
6434 (b) a student data protection auditor to assist the state student data officer.
- 6435 (6) The board shall establish an external research review process for a request for data
6436 for the purpose of external research or evaluation.
- 6437 Section 221. Section **53E-9-303**, which is renumbered from Section 53A-1-1404 is
6438 renumbered and amended to read:

6439 ~~[53A-1-1404].~~ **53E-9-303. Local student data protection governance.**

6440 (1) An LEA shall adopt policies to protect student data in accordance with this part and
6441 board rule, taking into account the specific needs and priorities of the LEA.

6442 (2) (a) An LEA shall designate an individual to act as a student data manager to fulfill
6443 the responsibilities of a student data manager described in Section ~~[53A-1-1409]~~ 53E-9-308.

6444 (b) If possible, an LEA shall designate the LEA's records officer as defined in Section
6445 63G-2-103, as the student data manager.

6446 (3) An LEA shall create and maintain an LEA:

6447 (a) data governance plan; and

6448 (b) metadata dictionary.

6449 (4) An LEA shall establish an external research review process for a request for data
6450 for the purpose of external research or evaluation.

6451 Section 222. Section **53E-9-304**, which is renumbered from Section 53A-1-1405 is
6452 renumbered and amended to read:

6453 ~~[53A-1-1405].~~ **53E-9-304. Student data ownership -- Notification in case of**
6454 **breach.**

6455 (1) (a) A student owns the student's personally identifiable student data.

6456 (b) A student may download, export, transfer, save, or maintain the student's student
6457 data, including a document.

6458 (2) If there is a release of a student's personally identifiable student data due to a
6459 security breach, an education entity shall notify:

6460 (a) the student, if the student is an adult student; or

6461 (b) the student's parent or legal guardian, if the student is not an adult student.

6462 Section 223. Section **53E-9-305**, which is renumbered from Section 53A-1-1406 is
6463 renumbered and amended to read:

6464 ~~[53A-1-1406].~~ **53E-9-305. Collecting student data -- Prohibition -- Student**
6465 **data disclosure statement -- Authorization.**

6466 (1) An education entity shall comply with this section beginning with the 2017-18
6467 school year.

6468 (2) An education entity may not collect a student's:

6469 (a) social security number; or

6470 (b) except as required in Section 78A-6-112, criminal record.

6471 (3) An education entity that collects student data into a cumulative record shall, in
6472 accordance with this section, prepare and distribute to parents and students a student data
6473 disclosure statement that:

6474 (a) is a prominent, stand-alone document;

6475 (b) is annually updated and published on the education entity's website;

6476 (c) states the necessary and optional student data the education entity collects;

6477 (d) states that the education entity will not collect the student data described in
6478 Subsection (2);

6479 (e) states the student data described in Section [~~53A-1-1409~~] 53E-9-308 that the
6480 education entity may not share without a data authorization;

6481 (f) describes how the education entity may collect, use, and share student data;

6482 (g) includes the following statement:

6483 "The collection, use, and sharing of student data has both benefits and risks. Parents
6484 and students should learn about these benefits and risks and make choices regarding student
6485 data accordingly.";

6486 (h) describes in general terms how the education entity stores and protects student data;
6487 and

6488 (i) states a student's rights under this part.

6489 (4) An education entity may collect the necessary student data of a student into a
6490 cumulative record if the education entity provides a student data disclosure statement to:

6491 (a) the student, if the student is an adult student; or

6492 (b) the student's parent, if the student is not an adult student.

6493 (5) An education entity may collect optional student data into a cumulative record if
6494 the education entity:

6495 (a) provides, to an individual described in Subsection (4), a student data disclosure
6496 statement that includes a description of:

6497 (i) the optional student data to be collected; and

6498 (ii) how the education entity will use the optional student data; and

6499 (b) obtains a data authorization to collect the optional student data from an individual
6500 described in Subsection (4).

- 6501 (6) An education entity may collect a student's biometric identifier or biometric
6502 information into a cumulative record if the education entity:
- 6503 (a) provides, to an individual described in Subsection (4), a biometric information
6504 disclosure statement that is separate from a student data disclosure statement, which states:
- 6505 (i) the biometric identifier or biometric information to be collected;
- 6506 (ii) the purpose of collecting the biometric identifier or biometric information; and
6507 (iii) how the education entity will use and store the biometric identifier or biometric
6508 information; and
- 6509 (b) obtains a data authorization to collect the biometric identifier or biometric
6510 information from an individual described in Subsection (4).

6511 Section 224. Section **53E-9-306**, which is renumbered from Section 53A-1-1407 is
6512 renumbered and amended to read:

6513 ~~[53A-1-1407]~~. **53E-9-306. Using and deleting student data -- Rulemaking --**
6514 **Cumulative disciplinary record.**

6515 (1) In accordance with Title 63G, Chapter 2, Government Records Access and
6516 Management Act, and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board
6517 shall make rules regarding using and expunging student data, including:

- 6518 (a) a categorization of cumulative disciplinary records that includes the following
6519 levels of maintenance:
- 6520 (i) one year;
- 6521 (ii) three years; and
- 6522 (iii) except as required in Subsection (3), as determined by the education entity;
- 6523 (b) the types of student data that may be expunged, including:
- 6524 (i) medical records; and
- 6525 (ii) behavioral test assessments; and
- 6526 (c) the types of student data that may not be expunged, including:
- 6527 (i) grades;
- 6528 (ii) transcripts;
- 6529 (iii) a record of the student's enrollment; and
- 6530 (iv) assessment information.

6531 (2) In accordance with board rule, an education entity may create and maintain a

6532 cumulative disciplinary record for a student.

6533 (3) (a) An education entity shall, in accordance with board rule, expunge a student's
6534 student data that is stored by the education entity if:

6535 (i) the student is at least 23 years old; and

6536 (ii) the student requests that the education entity expunge the student data.

6537 (b) An education entity shall retain and dispose of records in accordance with Section
6538 63G-2-604 and board rule.

6539 Section 225. Section **53E-9-307**, which is renumbered from Section 53A-1-1408 is
6540 renumbered and amended to read:

6541 ~~[53A-1-1408]~~. **53E-9-307. Securing and cataloguing student data.**

6542 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
6543 board shall make rules that:

6544 (1) using reasonable data industry best practices, prescribe the maintenance and
6545 protection of stored student data by:

6546 (a) an education entity; and

6547 (b) a third-party contractor; and

6548 (2) state requirements for an education entity's metadata dictionary.

6549 Section 226. Section **53E-9-308**, which is renumbered from Section 53A-1-1409 is
6550 renumbered and amended to read:

6551 ~~[53A-1-1409]~~. **53E-9-308. Sharing student data -- Prohibition --**

6552 **Requirements for student data manager.**

6553 (1) An education entity shall comply with this section beginning with the 2017-18
6554 school year.

6555 (2) An education entity may not share a student's personally identifiable student data if
6556 the personally identifiable student data is not shared in accordance with:

6557 (a) the Family Education Rights and Privacy Act and related provisions under 20
6558 U.S.C. Secs. 1232g and 1232h; and

6559 (b) this part.

6560 (3) A student data manager shall:

6561 (a) authorize and manage the sharing, outside of the education entity, of personally
6562 identifiable student data from a cumulative record for the education entity as described in this

6563 section; and

6564 (b) act as the primary local point of contact for the state student data officer described
6565 in Section [~~53A-1-1403~~] 53E-9-302.

6566 (4) (a) Except as provided in this section or required by federal law, a student data
6567 manager may not share, outside of the education entity, personally identifiable student data
6568 from a cumulative record without a data authorization.

6569 (b) A student data manager may share the personally identifiable student data of a
6570 student with the student and the student's parent.

6571 (5) A student data manager may share a student's personally identifiable student data
6572 from a cumulative record with:

6573 (a) a school official;

6574 (b) as described in Subsection (6), an authorized caseworker or other representative of
6575 the Department of Human Services; or

6576 (c) a person to whom the student data manager's education entity has outsourced a
6577 service or function:

6578 (i) to research the effectiveness of a program's implementation; or

6579 (ii) that the education entity's employees would typically perform.

6580 (6) A student data manager may share a student's personally identifiable student data
6581 from a cumulative record with a caseworker or representative of the Department of Human
6582 Services if:

6583 (a) the Department of Human Services is:

6584 (i) legally responsible for the care and protection of the student; or

6585 (ii) providing services to the student;

6586 (b) the student's personally identifiable student data is not shared with a person who is
6587 not authorized:

6588 (i) to address the student's education needs; or

6589 (ii) by the Department of Human Services to receive the student's personally
6590 identifiable student data; and

6591 (c) the Department of Human Services maintains and protects the student's personally
6592 identifiable student data.

6593 (7) The Department of Human Services, a school official, or the Utah Juvenile Court

6594 may share education information, including a student's personally identifiable student data, to
6595 improve education outcomes for youth:

6596 (a) in the custody of, or under the guardianship of, the Department of Human Services;

6597 (b) receiving services from the Division of Juvenile Justice Services;

6598 (c) in the custody of the Division of Child and Family Services;

6599 (d) receiving services from the Division of Services for People with Disabilities; or

6600 (e) under the jurisdiction of the Utah Juvenile Court.

6601 (8) Subject to Subsection (9), a student data manager may share aggregate data.

6602 (9) (a) If a student data manager receives a request to share data for the purpose of
6603 external research or evaluation, the student data manager shall:

6604 (i) submit the request to the education entity's external research review process; and

6605 (ii) fulfill the instructions that result from the review process.

6606 (b) A student data manager may not share personally identifiable student data for the
6607 purpose of external research or evaluation.

6608 (10) (a) A student data manager may share personally identifiable student data in
6609 response to a subpoena issued by a court.

6610 (b) A person who receives personally identifiable student data under Subsection (10)(a)
6611 may not use the personally identifiable student data outside of the use described in the
6612 subpoena.

6613 (11) (a) In accordance with board rule, a student data manager may share personally
6614 identifiable information that is directory information.

6615 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
6616 board shall make rules to:

6617 (i) define directory information; and

6618 (ii) determine how a student data manager may share personally identifiable
6619 information that is directory information.

6620 Section 227. Section **53E-9-309**, which is renumbered from Section 53A-1-1410 is
6621 renumbered and amended to read:

6622 ~~[53A-1-1410]~~. **53E-9-309. Third-party contractors -- Use and protection of**
6623 **student data -- Contract requirements -- Completion of contract -- Required and allowed**
6624 **uses of student data -- Restrictions on the use of student data -- Exceptions.**

6625 (1) A third-party contractor shall use personally identifiable student data received
6626 under a contract with an education entity strictly for the purpose of providing the contracted
6627 product or service within the negotiated contract terms.

6628 (2) When contracting with a third-party contractor, an education entity shall require the
6629 following provisions in the contract:

6630 (a) requirements and restrictions related to the collection, use, storage, or sharing of
6631 student data by the third-party contractor that are necessary for the education entity to ensure
6632 compliance with the provisions of this part and board rule;

6633 (b) a description of a person, or type of person, including an affiliate of the third-party
6634 contractor, with whom the third-party contractor may share student data;

6635 (c) provisions that, at the request of the education entity, govern the deletion of the
6636 student data received by the third-party contractor;

6637 (d) except as provided in Subsection (4) and if required by the education entity,
6638 provisions that prohibit the secondary use of personally identifiable student data by the
6639 third-party contractor; and

6640 (e) an agreement by the third-party contractor that, at the request of the education entity
6641 that is a party to the contract, the education entity or the education entity's designee may audit
6642 the third-party contractor to verify compliance with the contract.

6643 (3) As authorized by law or court order, a third-party contractor shall share student data
6644 as requested by law enforcement.

6645 (4) A third-party contractor may:

6646 (a) use student data for adaptive learning or customized student learning purposes;

6647 (b) market an educational application or product to a parent or legal guardian of a
6648 student if the third-party contractor did not use student data, shared by or collected on behalf of
6649 an education entity, to market the educational application or product;

6650 (c) use a recommendation engine to recommend to a student:

6651 (i) content that relates to learning or employment, within the third-party contractor's
6652 internal application, if the recommendation is not motivated by payment or other consideration
6653 from another party; or

6654 (ii) services that relate to learning or employment, within the third-party contractor's
6655 internal application, if the recommendation is not motivated by payment or other consideration

6656 from another party;

6657 (d) respond to a student request for information or feedback, if the content of the
6658 response is not motivated by payment or other consideration from another party;

6659 (e) use student data to allow or improve operability and functionality of the third-party
6660 contractor's internal application; or

6661 (f) identify for a student nonprofit institutions of higher education or scholarship
6662 providers that are seeking students who meet specific criteria:

6663 (i) regardless of whether the identified nonprofit institutions of higher education or
6664 scholarship providers provide payment or other consideration to the third-party contractor; and

6665 (ii) except as provided in Subsection (5), only if the third-party contractor obtains
6666 written consent:

6667 (A) of a student's parent or legal guardian through the student's school or LEA; or
6668 (B) for a student who is age 18 or older or an emancipated minor, from the student.

6669 (5) A third-party contractor is not required to obtain written consent under Subsection
6670 (4)(f)(ii) if the third-party contractor:

6671 (a) is a national assessment provider; and

6672 (b) (i) secures the express written consent of the student or the student's parent; and
6673 (ii) the express written consent is given in response to clear and conspicuous notice
6674 that the national assessment provider requests consent solely to provide access to information
6675 on employment, educational scholarships, financial aid, or postsecondary educational
6676 opportunities.

6677 (6) At the completion of a contract with an education entity, if the contract has not
6678 been renewed, a third-party contractor shall return or delete upon the education entity's request
6679 all personally identifiable student data under the control of the education entity unless a student
6680 or the student's parent consents to the maintenance of the personally identifiable student data.

6681 (7) (a) A third-party contractor may not:

6682 (i) except as provided in Subsections (5) and (7)(b), sell student data;
6683 (ii) collect, use, or share student data, if the collection, use, or sharing of the student
6684 data is inconsistent with the third-party contractor's contract with the education entity; or
6685 (iii) use student data for targeted advertising.

6686 (b) A person may obtain student data through the purchase of, merger with, or

6687 otherwise acquiring a third-party contractor if the third-party contractor remains in compliance
6688 with this section.

6689 (8) A provider of an electronic store, gateway, marketplace, or other means of
6690 purchasing an external application is not required to ensure that the external application
6691 obtained through the provider complies with this section.

6692 (9) The provisions of this section do not:

6693 (a) apply to the use of an external application, including the access of an external
6694 application with login credentials created by a third-party contractor's internal application;

6695 (b) apply to the providing of Internet service; or

6696 (c) impose a duty on a provider of an interactive computer service, as defined in 47
6697 U.S.C. Sec. 230, to review or enforce compliance with this section.

6698 Section 228. Section **53E-9-310**, which is renumbered from Section 53A-1-1411 is
6699 renumbered and amended to read:

6700 ~~**[53A-1-1411]**~~. **53E-9-310**. **Penalties.**

6701 (1) (a) A third-party contractor that knowingly or recklessly permits unauthorized
6702 collecting, sharing, or use of student data under this part:

6703 (i) except as provided in Subsection (1)(b), may not enter into a future contract with an
6704 education entity;

6705 (ii) may be required by the board to pay a civil penalty of up to \$25,000; and

6706 (iii) may be required to pay:

6707 (A) the education entity's cost of notifying parents and students of the unauthorized
6708 sharing or use of student data; and

6709 (B) expenses incurred by the education entity as a result of the unauthorized sharing or
6710 use of student data.

6711 (b) An education entity may enter into a contract with a third-party contractor that
6712 knowingly or recklessly permitted unauthorized collecting, sharing, or use of student data if:

6713 (i) the board or education entity determines that the third-party contractor has corrected
6714 the errors that caused the unauthorized collecting, sharing, or use of student data; and

6715 (ii) the third-party contractor demonstrates:

6716 (A) if the third-party contractor is under contract with an education entity, current
6717 compliance with this part; or

6718 (B) an ability to comply with the requirements of this part.

6719 (c) The board may assess the civil penalty described in Subsection (1)(a)(ii) in
6720 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

6721 (d) The board may bring an action in the district court of the county in which the office
6722 of the board is located, if necessary, to enforce payment of the civil penalty described in
6723 Subsection (1)(a)(ii).

6724 (e) An individual who knowingly or intentionally permits unauthorized collecting,
6725 sharing, or use of student data may be found guilty of a class A misdemeanor.

6726 (2) (a) A parent or student may bring an action in a court of competent jurisdiction for
6727 damages caused by a knowing or reckless violation of Section ~~[53A-1-1410]~~ 53E-9-309 by a
6728 third-party contractor.

6729 (b) If the court finds that a third-party contractor has violated Section ~~[53A-1-1410]~~
6730 53E-9-309, the court may award to the parent or student:

6731 (i) damages; and

6732 (ii) costs.

6733 Section 229. Section **53E-10-101** is enacted to read:

6734 **CHAPTER 10. OTHER PROGRAMS**

6735 **Part 1. General Provisions**

6736 **53E-10-101. Title.**

6737 This chapter is known as "Other Programs."

6738 Section 230. Section **53E-10-201** is enacted to read:

6739 **Part 2. Definitions**

6740 **53E-10-201. Definitions.**

6741 Reserved

6742 Section 231. Section **53E-10-202**, which is renumbered from Section 53A-15-401 is
6743 renumbered and amended to read:

6744 ~~[53A-15-401].~~ **53E-10-202. State Board of Education to supervise.**

6745 (1) The general control and supervision, but not the direct management, of adult
6746 education is vested in the State Board of Education.

6747 (2) The board has the following powers:

6748 (a) makes and enforces rules to organize, conduct, and supervise adult education;

6749 (b) appoints state staff for the adult education program, establishes their duties, and
6750 fixes their compensation;

6751 (c) determines the qualifications of, and issues teaching certificates to, persons
6752 employed to give adult education instruction; and

6753 (d) determines the basis of apportionment and distributes funds made available for
6754 adult education.

6755 (3) (a) The State Board of Education shall make rules providing for the establishment
6756 of fees which shall be imposed by local school boards for participation in adult education
6757 programs.

6758 (b) A fee structure for adult education shall take into account the ability of a Utah
6759 resident who participates in adult education to pay the fees.

6760 (c) Sections ~~[53A-12-103]~~ 53G-7-504 and ~~[53A-12-104]~~ 53G-7-505 pertaining to fees
6761 and fee waivers in secondary schools do not apply to adult education.

6762 Section 232. Section **53E-10-203**, which is renumbered from Section 53A-15-402 is
6763 renumbered and amended to read:

6764 ~~[53A-15-402]~~. **53E-10-203. Director of adult education.**

6765 (1) Upon recommendation of the state superintendent, the State Board of Education
6766 may appoint a full-time director for adult education to work under the supervision of the board.

6767 (2) The director may coordinate the adult education program authorized under Sections
6768 ~~[53A-15-401]~~ 53E-10-202 through ~~[53A-15-405]~~ 53E-10-206 with other adult education
6769 programs.

6770 Section 233. Section **53E-10-204**, which is renumbered from Section 53A-15-403 is
6771 renumbered and amended to read:

6772 ~~[53A-15-403]~~. **53E-10-204. Local school boards' authority to direct adult**
6773 **education programs.**

6774 A local school board may do the following:

6775 (1) establish and maintain classes for adult education, with classes being held at times
6776 and places convenient and accessible to the members of the class;

6777 (2) raise and appropriate funds for an adult education program;

6778 (3) subject to Sections ~~[53A-12-101]~~ 53G-7-502 and ~~[53A-15-401]~~ 53E-10-202,
6779 determine fees for participation in an adult education program; and

6780 (4) hire persons to instruct adult education classes.

6781 Section 234. Section **53E-10-205**, which is renumbered from Section 53A-15-404 is
6782 renumbered and amended to read:

6783 ~~[53A-15-404]~~. **53E-10-205. Eligibility.**

6784 (1) Adult education classes are open to every person 18 years of age or over and to any
6785 person who has completed high school.

6786 (2) Eligible nonresidents of the state shall be charged tuition at least equal to that
6787 charged nonresident students for similar classes at a local or nearby state college or university,
6788 unless waived in whole or in part by the local school board in an open meeting.

6789 (3) The district superintendent may, upon the recommendation of an authorized
6790 representative of the Division of Child and Family Services, exempt an adult domiciled in Utah
6791 from the payment of adult education fees.

6792 Section 235. Section **53E-10-206**, which is renumbered from Section 53A-15-405 is
6793 renumbered and amended to read:

6794 ~~[53A-15-405]~~. **53E-10-206. Salaries -- Costs.**

6795 (1) Salaries and other necessary expenses of the state adult education staff shall be paid
6796 from funds appropriated for adult education.

6797 (2) The State Board of Education shall determine the terms and conditions of payment.

6798 (3) A local school board shall pay all costs incident to the local administration and
6799 operation of its adult education program.

6800 (4) The board shall submit reports required by the State Board of Education for the
6801 administration of adult education.

6802 Section 236. Section **53E-10-301**, which is renumbered from Section 53A-15-1702 is
6803 renumbered and amended to read:

6804 **Part 3. Concurrent Enrollment**

6805 ~~[53A-15-1702]~~. **53E-10-301. Definitions.**

6806 (1) "Concurrent enrollment" means enrollment in a course offered through the
6807 concurrent enrollment program described in Section ~~[53A-15-1703]~~ 53E-10-302.

6808 (2) "Educator" means the same as that term is defined in Section ~~[53A-6-103]~~
6809 53E-6-102.

6810 (3) "Eligible instructor" means an instructor who is:

- 6811 (a) employed as faculty by an institution of higher education; or
- 6812 (b) (i) employed by an LEA;
- 6813 (ii) licensed by the State Board of Education under [~~Title 53A, Chapter 6, Educator~~
- 6814 ~~Licensing and Professional Practices Act~~] Chapter 6, Education Professional Licensure;
- 6815 (iii) (A) approved as adjunct faculty by an institution of higher education; or
- 6816 (B) a mathematics educator who has an upper level mathematics endorsement; and
- 6817 (iv) supervised by an institution of higher education.
- 6818 (4) "Eligible student" means a student who:
- 6819 (a) is enrolled in, and counted in average daily membership in, a high school within the
- 6820 state;
- 6821 (b) has a plan for college and career readiness, as described in Section [~~53A-1a-106~~
- 6822 53E-2-304], on file at a high school within the state; and
- 6823 (c) (i) is a grade 11 or grade 12 student; or
- 6824 (ii) is a grade 9 or grade 10 student who qualifies by exception as described in Section
- 6825 [~~53A-15-1703~~] 53E-10-302.
- 6826 (5) "Endorsement" means a stipulation, authorized by the State Board of Education and
- 6827 appended to a license, that specifies an area of practice to which the license applies.
- 6828 (6) "Institution of higher education" means the same as that term is defined in Section
- 6829 53B-3-102.
- 6830 (7) "License" means the same as that term is defined in Section [~~53A-6-103~~
- 6831 53E-6-102].
- 6832 (8) "Local education agency" or "LEA" means a school district or charter school.
- 6833 (9) "Participating eligible student" means an eligible student enrolled in a concurrent
- 6834 enrollment course.
- 6835 (10) "Upper level mathematics endorsement" means an endorsement required by the
- 6836 State Board of Education for an educator to teach calculus.
- 6837 (11) "Value of the weighted pupil unit" means the same as that term is defined in
- 6838 Section [~~53A-1a-703~~] 53F-4-301.
- 6839 Section 237. Section **53E-10-302**, which is renumbered from Section 53A-15-1703 is
- 6840 renumbered and amended to read:
- 6841 [~~53A-15-1703~~]. **53E-10-302. Concurrent enrollment program.**

- 6842 (1) The State Board of Education and the State Board of Regents shall establish and
6843 maintain a concurrent enrollment program that:
- 6844 (a) provides an eligible student the opportunity to enroll in a course that allows the
6845 eligible student to earn credit concurrently:
- 6846 (i) toward high school graduation; and
6847 (ii) at an institution of higher education;
- 6848 (b) includes only courses that:
- 6849 (i) lead to a degree or certificate offered by an institution of higher education; and
6850 (ii) are one of the following:
- 6851 (A) general education courses;
6852 (B) career and technical education courses;
6853 (C) pre-major college level courses; or
6854 (D) foreign language concurrent enrollment courses described in Section
6855 ~~[53A-15-1708]~~ 53E-10-307; and
- 6856 (c) is designed and implemented to take full advantage of the most current available
6857 education technology.
- 6858 (2) The State Board of Education and the State Board of Regents shall coordinate:
- 6859 (a) to establish a concurrent enrollment course approval process that ensures:
- 6860 (i) credit awarded for concurrent enrollment is consistent and transferable to all
6861 institutions of higher education; and
- 6862 (ii) learning outcomes for concurrent enrollment courses align with:
- 6863 (A) core standards for Utah public schools adopted by the State Board of Education;
6864 and
- 6865 (B) except for foreign language concurrent enrollment courses described in Section
6866 ~~[53A-15-1708]~~ 53E-10-307, institution of higher education lower division courses numbered at
6867 or above the 1000 level; and
- 6868 (b) advising to eligible students, including:
- 6869 (i) providing information on general education requirements at institutions of higher
6870 education; and
- 6871 (ii) choosing concurrent enrollment courses to avoid duplication or excess credit hours.
- 6872 (3) The State Board of Regents shall provide guidelines to an institution of higher

6873 education for establishing qualifying academic criteria for an eligible student to enroll in a
6874 concurrent enrollment course.

6875 (4) To qualify for funds under Section [~~53A-15-1707~~] 53F-2-409, an LEA and an
6876 institution of higher education shall:

6877 (a) enter into a contract, in accordance with Section [~~53A-15-1704~~] 53E-10-303, to
6878 provide one or more concurrent enrollment courses that are approved under the course approval
6879 process described in Subsection (2);

6880 (b) ensure that an instructor who teaches a concurrent enrollment course is an eligible
6881 instructor;

6882 (c) establish qualifying academic criteria for an eligible student to enroll in a
6883 concurrent enrollment course, in accordance with the guidelines described in Subsection (3);

6884 (d) ensure that a student who enrolls in a concurrent enrollment course is an eligible
6885 student; and

6886 (e) coordinate advising to eligible students.

6887 (5) An LEA and an institution of higher education may qualify a grade 9 or grade 10
6888 student to enroll in a current enrollment course by exception, including a student who
6889 otherwise qualifies to take a foreign language concurrent enrollment course described in
6890 Section [~~53A-15-1708~~] 53E-10-307.

6891 (6) An institution of higher education shall accept credits earned by a student who
6892 completes a concurrent enrollment course on the same basis as credits earned by a full-time or
6893 part-time student enrolled at the institution of higher education.

6894 (7) An institution of higher education shall require an eligible instructor to submit to a
6895 background check and ongoing monitoring, as described in Section [~~53A-15-1503~~]
6896 53G-11-402, in the same manner as a non-licensed employee of an LEA, if the eligible
6897 instructor:

6898 (a) teaches a concurrent enrollment course in a high school; and

6899 (b) is not licensed by the State Board of Education under [~~Title 53A, Chapter 6,~~
6900 ~~Educator Licensing and Professional Practices Act~~] Chapter 6, Education Professional
6901 Licensure.

6902 Section 238. Section **53E-10-303**, which is renumbered from Section 53A-15-1704 is
6903 renumbered and amended to read:

6904 ~~[53A-15-1704].~~ **53E-10-303. Designated institution of higher education --**
 6905 **Concurrent enrollment course right of first refusal.**

6906 (1) As used in this section, "designated institution of higher education" means an
 6907 institution of higher education that is designated by the State Board of Regents to provide a
 6908 course or program of study within a specific geographic region.

6909 (2) To offer a concurrent enrollment course, an LEA shall contact the LEA's designated
 6910 institution of higher education to request that the designated institution of higher education
 6911 contract with the LEA to provide the concurrent enrollment course.

6912 (3) If the LEA's designated institution of higher education chooses to offer the
 6913 concurrent enrollment course, the LEA shall contract with the LEA's designated institution of
 6914 higher education to provide the concurrent enrollment course.

6915 (4) An LEA may contract with an institution of higher education that is not the LEA's
 6916 designated institution of higher education to provide a concurrent enrollment course if the
 6917 LEA's designated institution of higher education:

6918 (a) chooses not to offer the concurrent enrollment course proposed by the LEA; or
 6919 (b) fails to respond to the LEA's request under Subsection (2) within 30 days after the
 6920 day on which the LEA contacts the designated institution of higher education.

6921 Section 239. Section **53E-10-304**, which is renumbered from Section 53A-15-1705 is
 6922 renumbered and amended to read:

6923 ~~[53A-15-1705].~~ **53E-10-304. Concurrent enrollment participation form --**
 6924 **Parental permission.**

6925 (1) The State Board of Regents shall create a higher education concurrent enrollment
 6926 participation form that includes a parental permission form.

6927 (2) Before allowing an eligible student to participate in concurrent enrollment, an LEA
 6928 and an institution of higher education shall ensure that the eligible student has, for the current
 6929 school year:

6930 (a) submitted the participation form described in Subsection (1);
 6931 (b) signed an acknowledgment of program participation requirements; and
 6932 (c) obtained parental permission as indicated by the signature of a student's parent or
 6933 legal guardian on the parental permission form.

6934 Section 240. Section **53E-10-305**, which is renumbered from Section 53A-15-1706 is

6935 renumbered and amended to read:

6936 ~~[53A-15-1706]~~. **53E-10-305. Tuition and fees.**

6937 (1) Except as provided in this section, the State Board of Regents or an institution of
6938 higher education may not charge tuition or fees for a concurrent enrollment course.

6939 (2) (a) The State Board of Regents may charge a one-time fee for a student to
6940 participate in the concurrent enrollment program.

6941 (b) A student who pays a fee described in Subsection (2)(a) does not satisfy a general
6942 admission application fee requirement for a full-time or part-time student at an institution of
6943 higher education.

6944 (3) (a) An institution of higher education may charge a one-time admission application
6945 fee for concurrent enrollment course credit offered by the institution of higher education.

6946 (b) Payment of the fee described in Subsection (3)(a) satisfies the general admission
6947 application fee requirement for a full-time or part-time student at an institution of higher
6948 education.

6949 (4) (a) Except as provided in Subsection (4)(b), an institution of higher education may
6950 charge partial tuition of no more than \$30 per credit hour for a concurrent enrollment course
6951 for which a student earns college credit.

6952 (b) A higher education institution may not charge more than:

6953 (i) \$5 per credit hour for an eligible student who qualifies for free or reduced price
6954 school lunch;

6955 (ii) \$10 per credit hour for a concurrent enrollment course that is taught at an LEA by
6956 an eligible instructor described in Subsection ~~[53A-15-1702]~~ 53E-10-301(3)(b); or

6957 (iii) \$15 per credit hour for a concurrent enrollment course that is taught through video
6958 conferencing.

6959 Section 241. Section **53E-10-306** is enacted to read:

6960 **53E-10-306. Funding.**

6961 Unless otherwise specified, the provisions of this part and Section 53F-2-409 govern
6962 concurrent enrollment funding.

6963 Section 242. Section **53E-10-307**, which is renumbered from Section 53A-15-1708 is
6964 renumbered and amended to read:

6965 ~~[53A-15-1708]~~. **53E-10-307. Concurrent enrollment courses for accelerated**

6966 **foreign language students.**

6967 (1) As used in this section:

6968 (a) "Accelerated foreign language student" means a student who:

6969 (i) has passed a world language advanced placement exam; and

6970 (ii) is in grade 10, grade 11, or grade 12.

6971 (b) "Blended learning delivery model" means an education delivery model in which a
6972 student learns, at least in part:

6973 (i) through online learning with an element of student control over time, place, path,
6974 and pace; and

6975 (ii) in the physical presence of an instructor.

6976 (c) "State university" means an institution of higher education that offers courses
6977 leading to a bachelor's degree.

6978 (2) The University of Utah shall partner with all state universities to develop, as part of
6979 the concurrent enrollment program described in this part, concurrent enrollment courses that:

6980 (a) are age-appropriate foreign language courses for accelerated foreign language
6981 students who are eligible students;

6982 (b) count toward a foreign language degree offered by an institution of higher
6983 education; and

6984 (c) are delivered:

6985 (i) using a blended learning delivery model; and

6986 (ii) by an eligible instructor that is faculty of a state institution of higher education.

6987 Section 243. Section **53E-10-308**, which is renumbered from Section 53A-15-1709 is
6988 renumbered and amended to read:

6989 ~~[53A-15-1709]~~. **53E-10-308. Reporting.**

6990 The State Board of Education and the State Board of Regents shall submit an annual
6991 written report to the Higher Education Appropriations Subcommittee and the Public Education
6992 Appropriations Subcommittee on student participation in the concurrent enrollment program,
6993 including:

6994 (1) data on the higher education tuition not charged due to the hours of higher
6995 education credit granted through concurrent enrollment;

6996 (2) tuition or fees charged under Section ~~[53A-15-1706]~~ 53E-10-305;

6997 (3) an accounting of the money appropriated for concurrent enrollment; and

6998 (4) a justification of the distribution method described in Subsections

6999 [~~53A-15-1707(2)~~] 53F-2-409(3)(d) and (e).

7000 Section 244. Section **53E-10-401**, which is renumbered from Section 53A-31-102 is
7001 renumbered and amended to read:

7002 **Part 4. American Indian-Alaskan Native Education State Plan**

7003 [~~53A-31-102~~]. **53E-10-401. Definitions.**

7004 As used in this [~~chapter~~] part:

7005 (1) "Commission" means the American Indian-Alaskan Native Education Commission
7006 created in Section [~~53A-31-202~~] 53E-10-403.

7007 (2) "Liaison" means the individual appointed under Section [~~53A-31-201~~] 53E-10-402.

7008 (3) "Native American Legislative Liaison Committee" means the committee created in
7009 Section 36-22-1.

7010 (4) "State plan" means the state plan adopted under Section [~~53A-31-301~~] 53E-10-405.

7011 (5) "Superintendent" means the superintendent of public instruction appointed under
7012 Section [~~53A-1-301~~] 53E-3-301.

7013 Section 245. Section **53E-10-402**, which is renumbered from Section 53A-31-201 is
7014 renumbered and amended to read:

7015 [~~53A-31-201~~]. **53E-10-402. American Indian-Alaskan Native Public**
7016 **Education Liaison.**

7017 (1) Subject to budget constraints, the superintendent shall appoint an individual as the
7018 American Indian-Alaskan Native Public Education Liaison.

7019 (2) The liaison shall work under the direction of the superintendent in the development
7020 and implementation of the state plan.

7021 (3) The liaison shall annually report to the Native American Legislative Liaison
7022 Committee about:

7023 (a) the liaison's activities; and

7024 (b) the activities related to the education of American Indians and Alaskan Natives in
7025 the state's public school system and efforts to close the achievement gap.

7026 Section 246. Section **53E-10-403**, which is renumbered from Section 53A-31-202 is
7027 renumbered and amended to read:

7028 ~~[53A-31-202]~~. 53E-10-403. **Commission created.**

7029 (1) There is created a commission known as the "American Indian-Alaskan Native
7030 Education Commission." The commission shall consist of 16 members as follows:

7031 (a) the superintendent;

7032 (b) the liaison;

7033 (c) two individuals appointed by the State Board of Education that are coordinators
7034 funded in whole or in part under Title VII, Elementary and Secondary Education Act;

7035 (d) three members of the Native American Legislative Liaison Committee appointed by
7036 the chairs of the Native American Legislative Liaison Committee;

7037 (e) a representative of the Navajo Nation who resides in Utah selected by the Navajo
7038 Utah Commission;

7039 (f) a representative of the Ute Indian Tribe of the Uintah and Ouray Reservation who
7040 resides in Utah selected by the Uintah and Ouray Tribal Business Committee;

7041 (g) a representative of the Paiute Indian Tribe of Utah who resides in Utah selected by
7042 the Paiute Indian Tribe of Utah Tribal Council;

7043 (h) a representative of the Northwestern Band of the Shoshone Nation who resides in
7044 Utah selected by the Northwestern Band of the Shoshone Nation Tribal Council;

7045 (i) a representative of the Confederated Tribes of the Goshute who resides in Utah
7046 selected by the Confederated Tribes of the Goshute Reservation Tribal Council;

7047 (j) a representative of the Skull Valley Band of Goshute Indians who resides in Utah
7048 selected by the Skull Valley Band of Goshute Indian Tribal Executive Committee;

7049 (k) a representative of the Ute Mountain Ute Tribe who resides in Utah selected by the
7050 Ute Mountain Ute Tribal Council;

7051 (l) a representative of the San Juan Southern Paiute Tribe who resides in Utah selected
7052 by the San Juan Southern Paiute Tribal Council; and

7053 (m) an appointee from the governor.

7054 (2) Unless otherwise determined by the State Board of Education, the superintendent
7055 shall chair the commission.

7056 (3) (a) The superintendent shall call meetings of the commission.

7057 (b) Eight members of the commission constitute a quorum of the commission.

7058 (c) The action of a majority of the commission at a meeting when a quorum is present

7059 constitutes action of the commission.

7060 (4) If a vacancy occurs in the membership for any reason, the replacement shall be
7061 appointed in the same manner of the original appointment for the vacant position.

7062 (5) The commission may adopt procedures or requirements for:

7063 (a) voting, when there is a tie of the commission members; and

7064 (b) the frequency of meetings.

7065 (6) (a) A member of the commission may not receive compensation or benefits for the
7066 member's service, but may receive per diem and travel expenses in accordance with:

7067 (i) Section 63A-3-106;

7068 (ii) Section 63A-3-107; and

7069 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7070 63A-3-107.

7071 (b) Compensation and expenses of a participant who is a legislator are governed by
7072 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

7073 (7) The staff of the State Board of Education shall staff the commission.

7074 (8) The commission shall be dissolved on December 31, 2015.

7075 Section 247. Section **53E-10-404**, which is renumbered from Section 53A-31-203 is
7076 renumbered and amended to read:

7077 ~~[53A-31-203]~~. **53E-10-404. Duties of the commission.**

7078 (1) The commission shall develop a proposed state plan to be presented to the Native
7079 American Legislative Liaison Committee to address the educational achievement gap of the
7080 American Indian and Alaskan Native students in the state.

7081 (2) The proposed state plan shall:

7082 (a) identify the most critical academic needs of Utah's American Indian and Alaskan
7083 Native students;

7084 (b) recommend a course of action to meet the identified needs;

7085 (c) be based on, and include, a summary of the best available evidence and most recent
7086 data;

7087 (d) focus on specific actions;

7088 (e) identify existing programs and resources;

7089 (f) prioritize more efficient and better use of existing programs and resources to meet

7090 the needs of American Indian and Alaskan Native students;
7091 (g) include ongoing reporting to the Native American Legislative Liaison Committee;
7092 (h) include a plan to hire, retain, and promote highly qualified teachers as quickly as
7093 feasible; and
7094 (i) add a process for sharing data with tribal education leaders.

7095 (3) The commission shall present the proposed state plan developed under Subsection
7096 (1) to the Native American Legislative Liaison Committee by no later than October 31, 2015.

7097 Section 248. Section **53E-10-405**, which is renumbered from Section 53A-31-301 is
7098 renumbered and amended to read:

7099 ~~[53A-31-301]~~. **53E-10-405. Adoption of state plan.**

7100 (1) After receipt of the proposed state plan from the commission in accordance with
7101 Section ~~[53A-31-203]~~ 53E-10-404, the Native American Legislative Liaison Committee may
7102 review the proposed state plan and make changes to the proposed state plan that the Native
7103 American Legislative Liaison Committee considers beneficial to addressing the educational
7104 achievement gap of the state's American Indian and Alaskan Native students.

7105 (2) (a) The Native American Legislative Liaison Committee shall submit the proposed
7106 state plan as modified by the Native American Legislative Liaison Committee to the Utah State
7107 Board of Education.

7108 (b) The Utah State Board of Education shall, by majority vote, within 60 days after
7109 receipt of the state plan under Subsection (2)(a), adopt, modify, or reject the state plan. If the
7110 Utah State Board of Education does not act within 60 days after receipt of the state plan, the
7111 state plan is considered adopted by the Utah State Board of Education.

7112 (3) The Native American Legislative Liaison Committee may prepare legislation to
7113 implement the state plan adopted under this section.

7114 Section 249. Section **53E-10-406**, which is renumbered from Section 53A-31-302 is
7115 renumbered and amended to read:

7116 ~~[53A-31-302]~~. **53E-10-406. Changes to state plan.**

7117 (1) The Native American Legislative Liaison Committee may recommend to the Utah
7118 State Board of Education changes to the state plan adopted under Section ~~[53A-31-301]~~

7119 53E-10-405 to ensure that the state plan continues to meet the academic needs of the state's
7120 American Indian and Alaskan Native students.

7121 (2) The Native American Legislative Liaison Committee may recommend to the
 7122 superintendent that the commission be reconstituted for an 18-month period if the Native
 7123 American Legislative Liaison Committee determines that a substantial review of the state plan
 7124 is necessary. If reconstituted under this Subsection (2), the commission shall comply with the
 7125 requirements of [~~Part 2, Liaison and Commission~~] Sections 53E-10-402 through 53E-10-404.

7126 Section 250. Section **53E-10-407** is enacted to read:

7127 **53E-10-407. Pilot program.**

7128 Title 53F, Chapter 5, Part 6, American Indian and Alaskan Native Education State Plan
 7129 Pilot Program, creates a program to address the needs of American Indian and Alaskan Native
 7130 students.

7131 Section 251. Section **53E-10-501**, which is renumbered from Section 53A-11-1502 is
 7132 renumbered and amended to read:

7133 **Part 5. School Safety and Crisis Line**

7134 [~~53A-11-1502~~]. **53E-10-501. Definitions.**

7135 As used in this part:

7136 (1) "Commission" means the School Safety and Crisis Line Commission established in
 7137 Section [~~53A-11-1504~~] 53E-10-503.

7138 (2) "University Neuropsychiatric Institute" means the mental health and substance
 7139 abuse treatment institute within the University of Utah Hospitals and Clinics.

7140 Section 252. Section **53E-10-502**, which is renumbered from Section 53A-11-1503 is
 7141 renumbered and amended to read:

7142 [~~53A-11-1503~~]. **53E-10-502. School Safety and Crisis Line established.**

7143 The University Neuropsychiatric Institute shall:

7144 (1) establish a School Safety and Crisis Line to provide:

7145 (a) a means for an individual to anonymously report:

7146 (i) unsafe, violent, or criminal activities, or the threat of such activities at or near a
 7147 public school;

7148 (ii) incidents of bullying, cyber-bullying, harassment, or hazing; and

7149 (iii) incidents of physical or sexual abuse committed by a school employee or school
 7150 volunteer; and

7151 (b) crisis intervention, including suicide prevention, to individuals experiencing

7152 emotional distress or psychiatric crisis;

7153 (2) provide the services described in Subsection (1) 24 hours a day, seven days a week;

7154 and

7155 (3) when necessary, or as required by law, promptly forward a report received under

7156 Subsection (1)(a) to appropriate:

7157 (a) school officials; and

7158 (b) law enforcement officials.

7159 Section 253. Section **53E-10-503**, which is renumbered from Section 53A-11-1504 is

7160 renumbered and amended to read:

7161 ~~[53A-11-1504].~~ **53E-10-503. School Safety and Crisis Line Commission**

7162 **established -- Members.**

7163 (1) There is created the School Safety and Crisis Line Commission composed of the

7164 following members:

7165 (a) one member who represents the Office of the Attorney General, appointed by the

7166 attorney general;

7167 (b) one member who represents the Utah Public Education System, appointed by the

7168 State Board of Education;

7169 (c) one member who represents the Utah System of Higher Education, appointed by the

7170 State Board of Regents;

7171 (d) one member who represents the Utah Department of Health, appointed by the

7172 executive director of the Department of Health;

7173 (e) one member of the House of Representatives, appointed by the speaker of the

7174 House of Representatives;

7175 (f) one member of the Senate, appointed by the president of the Senate;

7176 (g) one member who represents the University Neuropsychiatric Institute, appointed by

7177 the chair of the commission;

7178 (h) one member who represents law enforcement who has extensive experience in

7179 emergency response, appointed by the chair of the commission;

7180 (i) one member who represents the Utah Department of Human Services who has

7181 experience in youth services or treatment services, appointed by the executive director of the

7182 Department of Human Services; and

- 7183 (j) two members of the public, appointed by the chair of the commission.
- 7184 (2) (a) Except as provided in Subsection (2)(b), members of the commission shall be
7185 appointed to four-year terms.
- 7186 (b) The length of the terms of the members shall be staggered so that approximately
7187 half of the committee is appointed every two years.
- 7188 (c) When a vacancy occurs in the membership of the commission, the replacement
7189 shall be appointed for the unexpired term.
- 7190 (3) (a) The attorney general's designee shall serve as chair of the commission.
- 7191 (b) The chair shall set the agenda for commission meetings.
- 7192 (4) Attendance of a simple majority of the members constitutes a quorum for the
7193 transaction of official commission business.
- 7194 (5) Formal action by the commission requires a majority vote of a quorum.
- 7195 (6) (a) Except as provided in Subsection (6)(b), a member may not receive
7196 compensation, benefits, per diem, or travel expenses for the member's service.
- 7197 (b) Compensation and expenses of a member who is a legislator are governed by
7198 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
- 7199 (7) The Office of the Attorney General shall provide staff support to the commission.
7200 Section 254. Section **53E-10-504**, which is renumbered from Section 53A-11-1505 is
7201 renumbered and amended to read:
- 7202 ~~[53A-11-1505]~~. **53E-10-504. School Safety and Crisis Line Commission**
7203 **duties.**
- 7204 The commission shall coordinate:
- 7205 (1) statewide efforts related to the School Safety and Crisis Line; and
7206 (2) with the State Board of Education and the State Board of Regents to promote
7207 awareness of the services available through the School Safety and Crisis Line.
- 7208 Section 255. Section **53E-10-505**, which is renumbered from Section 53A-11-1506 is
7209 renumbered and amended to read:
- 7210 ~~[53A-11-1506]~~. **53E-10-505. State Board of Education and local boards of**
7211 **education to update policies and promote awareness.**
- 7212 (1) The State Board of Education shall:
- 7213 (a) revise the conduct and discipline policy models, described in Section ~~[53A-11-901]~~

7214 53G-8-202, to include procedures for responding to reports received under Subsection
7215 [~~53A-11-1503~~] 53E-10-502(3); and

7216 (b) revise the curriculum developed by the State Board of Education for the parent
7217 seminar, described in Section [~~53A-15-1302~~] 53G-9-703, to include information about the
7218 School Safety and Crisis Line.

7219 (2) A local school board or charter school governing board shall:

7220 (a) revise the conduct and discipline policies, described in Section [~~53A-11-902~~]

7221 53G-8-203, to include procedures for responding to reports received under Subsection
7222 [~~53A-11-1503~~] 53E-10-502(3); and

7223 (b) inform students, parents, and school personnel about the School Safety and Crisis
7224 Line.

7225 Section 256. Section **53E-10-601**, which is renumbered from Section 53A-15-1002 is
7226 renumbered and amended to read:

7227 **Part 6. Electronic High School**

7228 [~~53A-15-1002~~]. **53E-10-601. Definitions.**

7229 As used in this part:

7230 (1) "Board" means the State Board of Education.

7231 (2) "Electronic High School" means a rigorous program offering grade 9 - 12 level
7232 online courses and coordinated by the board.

7233 (3) "Home-schooled student" means a student:

7234 (a) attends a home school;

7235 (b) is exempt from school attendance pursuant to Section [~~53A-11-102~~] 53G-6-204;

7236 and

7237 (c) attends no more than two regularly scheduled classes or courses in a public school
7238 per semester.

7239 (4) "Open-entry, open-exit" means:

7240 (a) a method of instructional delivery that allows for flexible scheduling in response to
7241 individual student needs or requirements and demonstrated competency when knowledge and
7242 skills have been mastered; and

7243 (b) students have the flexibility to begin or end study at any time, progress through
7244 course material at their own pace, and demonstrate competency when knowledge and skills

7245 have been mastered.

7246 Section 257. Section **53E-10-602**, which is renumbered from Section 53A-15-1002.5 is
7247 renumbered and amended to read:

7248 ~~[53A-15-1002.5]~~. **53E-10-602. Electronic High School created -- Purpose.**

7249 The Electronic High School is created:

7250 (1) to provide an opportunity for a student who has failed a course to retake the course
7251 and earn course credit;

7252 (2) to allow a student to complete high school graduation requirements and exit high
7253 school early;

7254 (3) to allow a student to take a course online so that the student has greater flexibility
7255 in scheduling courses during the regular school day; and

7256 (4) to allow a home-schooled or private school student in Utah to take a course that
7257 meets the Utah high school core standards for Utah public schools.

7258 Section 258. Section **53E-10-603**, which is renumbered from Section 53A-15-1003 is
7259 renumbered and amended to read:

7260 ~~[53A-15-1003]~~. **53E-10-603. Courses and credit.**

7261 (1) The Electronic High School may only offer courses required for high school
7262 graduation or that fulfill course requirements established by the State Board of Education.

7263 (2) The Electronic High School shall:

7264 (a) offer courses in an open-entry, open-exit format; and

7265 (b) offer courses that are in conformance with the core standards for Utah public
7266 schools established by the board.

7267 (3) Public schools shall:

7268 (a) accept all credits awarded to students by the Electronic High School; and

7269 (b) apply credits awarded for a course described in Subsection (2)(b) toward the
7270 fulfillment of course requirements.

7271 Section 259. Section **53E-10-604**, which is renumbered from Section 53A-15-1004 is
7272 renumbered and amended to read:

7273 ~~[53A-15-1004]~~. **53E-10-604. Student eligibility for enrollment.**

7274 (1) Utah students at any age or in any grade may enroll in Electronic High School
7275 courses.

7276 (2) The Electronic High School shall accept students into courses on a first-come
7277 first-served basis.

7278 Section 260. Section **53E-10-605**, which is renumbered from Section 53A-15-1005 is
7279 renumbered and amended to read:

7280 ~~[53A-15-1005]~~. **53E-10-605. Services to students with disabilities.**

7281 Students with disabilities who may need additional services or resources and who seek
7282 to enroll in Electronic High School classes may request appropriate accommodations through
7283 the students' assigned schools or school districts.

7284 Section 261. Section **53E-10-606**, which is renumbered from Section 53A-15-1006 is
7285 renumbered and amended to read:

7286 ~~[53A-15-1006]~~. **53E-10-606. Payment for an Electronic High School course.**

7287 (1) Electronic High School courses are provided to students who are Utah residents, as
7288 defined in Section ~~[53A-2-201]~~ 53G-6-302, free of charge.

7289 (2) Nonresident students may enroll in Electronic High School courses for a fee set by
7290 the board, provided that the course can accommodate additional students.

7291 Section 262. Section **53E-10-607**, which is renumbered from Section 53A-15-1007 is
7292 renumbered and amended to read:

7293 ~~[53A-15-1007]~~. **53E-10-607. Electronic High School diploma.**

7294 The Electronic High School may award a diploma to a student that meets any of the
7295 following criteria upon the student's completion of high school graduation requirements set by
7296 the board:

7297 (1) a home-schooled student;

7298 (2) a student who has dropped out of school and whose original high school class has
7299 graduated; or

7300 (3) a student who is identified by the student's resident school district as ineligible for
7301 graduation from a traditional high school program for specific reasons.

7302 Section 263. Section **53E-10-608**, which is renumbered from Section 53A-15-1008 is
7303 renumbered and amended to read:

7304 ~~[53A-15-1008]~~. **53E-10-608. Review by legislative auditor general.**

7305 (1) The legislative auditor general shall conduct a performance audit of the Electronic
7306 High School as directed by the Legislative Audit Subcommittee.

7307 (2) In conducting the performance audit of the Electronic High School, the legislative
7308 auditor general shall develop performance metrics using factors such as:

- 7309 (a) course completion rate;
7310 (b) number of credits earned; and
7311 (c) cost of providing online courses.

7312 (3) The legislative auditor general shall use the performance metrics developed under
7313 Subsection (2) to evaluate the Electronic High School in comparison with other online
7314 programs.

7315 Section 264. Section **53E-10-609**, which is renumbered from Section 53A-17a-131.15
7316 is renumbered and amended to read:

7317 ~~[53A-17a-131.15]~~. **53E-10-609. State contribution for the Electronic High**
7318 **School.**

7319 Money appropriated to the State Board of Education for the Electronic High School
7320 shall be distributed to the school according to rules established by the board in accordance with
7321 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

7322 Section 265. **Effective date.**

7323 If approved by two-thirds of all the members elected to each house, this bill takes effect
7324 upon approval by the governor, or the day following the constitutional time limit of Utah
7325 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
7326 the date of veto override.

7327 Section 266. **Revisor instructions.**

7328 The Legislature intends that the Office of Legislative Research and General Counsel, in
7329 preparing the Utah Code database for publication, not enroll this bill if any of the following
7330 bills does not pass:

- 7331 (1) H.B. , Public Education Recodification - Funding;
7332 (2) S.B. , Public Education Recodification - Local System; or
7333 (3) S.B. , Public Education Recodification - Cross References and Repeals.